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The Stateness Matrix - Comparing and Explaining Post-Communist Civil-Military Relations: Poland, the Czech Republic, Lithuania and Ukraine

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The Stateness Matrix – Comparing and Explaining Post-Communist Civil-Military Relations: Poland, the Czech Republic, Lithuania and Ukraine

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ABSTRACT

The stateness matrix permits comparison and explanation of differing outcomes to democratic civil-military transition in post-Communist countries. The stateness matrix comprises four variables: stateness, military restructuring, democratic rules and effective democratic management of defence. Post-communist civil-military relations are a function of the outcome of the interaction of these four factors. Stateness is the crucial element. Stateness can explain the differing outcomes of the post-communist reforms in post-communist states and, depending on circumstances, it can have either a beneficial or a harmful impact on the overall democratisation process. In the four countries studied, Poland, the Czech Republic, Lithuania and Ukraine, application of the framework allows the investigation and comparison of democratisation processes. Stateness emerges as the key factor in explaining the differences between these cases.

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PREFACE AND ACKNOWLEDGEMENTS.

I first heard the terms 'consolidated democracy' and 'civil-military relations' while being one of the students invited from various post-communist countries to the International Summer School of Political Sciences, organised in 1994 in Poland under the auspices of the Batory Foundation. It was during lectures held in the School's makeshift premises, or during informal discussions afterwards, that professors like Kenneth Jowitt, Peter Sugar, Jim Carrey and others introduced their students to perspectives on political science that were dramatically different from those on offer at Warsaw University. The course on 'Transitions to democracy' was of special interest to all of us, having such a direct relevance to the situation in post-communist Europe at that time, although I daresay that in that particular case the lecturers profited just as much as did their pupils. Still under impressions from the course, when I became an assistant in the Institute of Political Studies, Polish Academy of Sciences in Warsaw, I had no objections when my tutor suggested that I focused on the problems of democratic transitions and civil-military relations in post-communist countries.

However, my work would have been limited, if only for the lack of appropriate literature in Poland, if it had not been for the WEU fellowship which allowed me to come to London for three months between September and December 1995 to conduct research on selected aspects of civil-military relations at the Royal Institute of International Affairs, Chatham House. It was also through Chatham House that I was put in touch with Fiona Paton who was then co-ordinating a project on 'Regional Security in the Global Context' at King's College, London and who invited me to participate in it while I was in London. Importantly, Fiona also introduced me to Dr James Gow, a lecturer at King's and my future supervisor. Thanks to friendly support and practical help from both Fiona and James I drafted a project

outline and submitted it together with an application for admission as a PhD student at the Dept of War Studies, King's College, London. The subject of my outline was the post-communist transformation of civil-military relations in Central Eastern Europe. My application was successful and in October 1996 I became a student at King's.

Coming from a post-communist country, I had an instinctive understanding of the communist legacy in Central Eastern Europe and only this much for a beginning. My thinking on post-communist civil-military relations did not take proper shape until two particular books appeared, each of them pivotal for my thesis. In September 1997 James Gow and Carol Birch published *Security and Democracy: Civil – Military Relations in Central and Eastern Europe*, and soon after their work appeared, I read the book by Juan J.Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation. Southern Europe, South America and Post-Communist Europe.* And while the publication by Gow and Birch offered a useful framework to discipline my analysis of post-communist civil-military relations, the concept of 'stateness' proposed by Linz and Stepan struck me as a missing element in the study that could bring all the other analytical pieces together. From then on, the 'stateness' matrix began to take shape until the dissertation was finished in February 2001.

I owe my gratitude to a number of people without whom this study could never be completed. Fiona Paton deserves special thanks for navigating me through the complexities of the university system of applications, grants, reference letters etc., all of them rather unfamiliar to me back in 1995, as well as for her friendliness and practical support at various stages of my studies. I am grateful too for help given to me by Susan Walker at Chatham House who provided me with moral support and also temporary accommodation during the first year of my studies. I am also indebted to Professor Laurence Freedman for supporting my grant applications. In addition, my thanks are extended to Professors Jack Spence and

Wojciech Roszkowski; Dr Hans Bohr; Colonel Marian Kowalewski; Dr Monika Wohlfeld; Štefan Sarvaš; Paul Holtom; and Marina Caparini for their help in carrying out research, helping me to organise interviews and for useful comments on the results of the study as well as to David Whetham for his infinite patience with copy-editing.

This work would not be possible without a generous scholarship from the University of London and an award granted within the Overseas Research Student Award Scheme by the CVCP of the Universities of the United Kingdom, and without the research grant from the John D. and Catherine T. Mac Arthur Foundation, all of whom I would like to thank.

However, my greatest ever debt of gratitude is owed to my supervisor, Dr James Gow, from whose profound knowledge of the field and understanding of the problems of security and democracy I benefited at each stage of my work on the thesis. His invaluable help ranged from his severe critique and insightful comments on the earlier drafts of my work, through infinite patience and understanding shown to the somewhat unusual circumstances of my studies, to occasional driving me, my baby, his nanny and few tons of the luggage to the airport. Thank you, James.

Finally, words of gratitude go to all my family for their moral support and practical help and for coping with me throughout these years. And I would like to dedicate this work to Kuba, my little son, who is just as old as this dissertation is and whose arrival gave those tumultuous years a taste of bittersweet happiness.

London, February 2001.

CHAPTER 1

INTRODUCTION

On 4 March 1999, three former communist countries became members of NATO, the North Atlantic Treaty Organisation, a body whose raison d'etre had been preparation for collective defence against the prospect of attack by Soviet-led countries. Those three countries, Hungary, Poland and the Czech Republic, had emerged from the Soviet bloc and communist rule at the end of Cold War. In all, in the period between 1989 and 1992, these three formed part of a total of 23 states that had escaped the communist shadow.[1] The remarkable historical turnaround in which three countries that had been enemies of NATO only a decade before became its members prompts an obvious immediate question: why these three and not any of the others?

The NATO decision at its Madrid Summit in July 1997 to invite Hungary, Poland and the Czech Republic to open accession negotiations with the Alliance offered an answer to the question. The three were judged to have made the most satisfactory and comprehensive transitions from civil-military relations under communism to appropriate arrangements under democracy. This was made explicit by the official reasoning, which also made mention of two other countries by name, Slovenia and Romania, and indicated that there was still progress to be made in these two countries. Even though Slovenia was strong in its democratic credentials, restructuring of its armed forces was officially noted as the reason for its exclusion

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[1] This total includes The Federal Republic of Yugoslavia, which some might argue remained largely under communist rule until late 2000 and does not include the transformation of the German Democratic Republic, which ceased to be communist-ruled, but also ceased to exist as it was included in the Federal Republic of Germany.

from the invitation list.[2] In reality, there were other reasons for the NATO decision, but these are not necessarily of concern here. This is because, however much there might be arguments that the degree of transformation was used as a pretext for the decision,[3] it was also clear that those differences existed. This is the true concern of the present study: to understand how countries ostensibly starting a process of civil-military transformation from the same point took strongly divergent trajectories over a period of ten years. The remainder of this introductory chapter will explore the three assumptions on which this enquiry rests. Later sections will consider the treatment in the literature of the differential rates of civil-military transition in the former communist countries and the common attempt to consolidate democracy. Before this, the first section will outline the common legacy of communism that provides the starting point for both the study and the practice of transforming civil-military relations.

Communist Legacy of the Civil-Military Relations.

The character of every transition is in a large part determined by the legacy of the past and the declared ultimate goals of the transformation. The need to confront and overcome the legacy of an outgoing regime has been a common feature of all modern transitions.[4] In the case of post-communist countries, the heritage of the party-states constituted 'a set of both legal-institutional structures as well as psychological and/or behavioural variables which emerged as a result of more than four decades of communist rule' and shaped the post-communist transitional

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[2] See James Gow and Cathie Carmichael *Slovenia and the Slovenes: A Small State in the New Europe* (London: Hurst and Co., 2000) Ch..6.

[3] These are noted by Gow & Carmichael, *Slovenia* pp.109-201.

agenda.[5] Therefore, any substantial analysis of the post-communist civil – military transformations can only be carried out based on the thorough understanding of the communist systems and with declared goals of democratic transition in mind.

A close part-military connection was a defining feature of the civil-military relations in communist systems. However, the exact nature of the relationship remained ambivalent. On one hand, the communist armed forces were the main supporters of the communist rulers and defenders of the ideological order. Moreover, the army represented a powerful instrument of coercion, indispensable for a regime with an inherent legitimacy problem.[6] In order to enhance the political reliability of the military, the regime offered the professional soldiers a complex system of incentives, such as material benefits, prestige, rapid promotion for the loyal members of the officer corps and educational opportunities. Last, but not least, the service in the communist military, both for the conscripts and professionals, had an additional function of political socialisation to the values desired by the regime.[7] The unbroken record of military subordination to the communist regimes and their non-intervention by force in politics, stressed in many Western works on the communist military, could be regarded as a partial proof of success of this socialising policy.[8]

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[4] Andrzej Korboński, 'Facing the Legacy of Post-Stalinist Regimes', European Security Vol.1, No 3, 1992, p.41.

[5] Korboński, 'Facing', p.42.

[6] Thomas S.Szayna, F.Stephen Larrabee, *East European Military Reform After the Cold War. Implications for the United States.* (Santa Monica: National Defence Research Institute, RAND, 1995), p. 6.

[7] Dale R.Herspring, Ivan Volgyes, 'The Military as an Agent of Political Socialisation in Eastern Europe', *Armed Forces and Society*, Vol. 3, No. 2, February 1977, pp. 249 – 268.

[8] For example Jacque van Doorn, *The Soldier and Social Change. Comparative Studies in the History and Sociology of the Military.* (London: Sage Publications, 1975), chapter 4; Amos Perlmutter, 'Civil - Military Relations in Socialist Authoritarian and Praetorian States: Prospects and Retrospects', in

On the other hand, the attitudes of the communist rulers towards the military featured distrust and fear of its coercive capabilities. The communist rulers were conscious of the limited success that their political socialisation brought and realised that the national undercurrent was always present in the communist military. The resulting tension between 'red' and 'expert' was inherent in the Warsaw Pact armed forces and undermined the political reliability of the army.[9] The problem was aggravated after Stalin's death when most of the communist militaries underwent a process of partial re-nationalisation.[10] A strong attachment to national tradition was most visible in the case of the Polish military,[11] however, other Eastern European members of the Warsaw Pact featured similar sentiments. Alexiev dryly summed up the dilemma facing communist rulers:

> It is quite significant...that the Soviet Union has never been able to use the East European military establishments to resolve conflicts, crises, or anti-Soviet upheavals in their respective countries...The traditional organic relationship between the army and the nation-state, succinctly summed up in von Moltke's aphorism 'keine Grenzen, keine Militar' (no borders, no military) persists in Communism states. It remains

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Roman Kolkowicz, Andrzej Korbonski (eds.), *Soldiers, Peasants and Bureaucrats. Civil - Military Relations in Communist and Modernizing Societies.*(London: George Allen&Unwin, 1982), p.311.

[9] Carl Beck, Karen Eide Rawling, 'The Military As a Channel of Entry into Positions of Political Leadership In Communist Party States', *Armed Forces & Society,* Vol.3, No.2, February 1977, p.201.

[10] Zoltan D.Barany, *Soldiers and Politics in Eastern Europe, 1945 -90. The Case of Hungary.* (New York: St.Martin Press, 1993), pp. 167 - 169, see also Alex Alexiev, 'Party - Military Relations in Eastern Europe: the Case of Romania', in Kolkowicz, Karbonski (eds.), *Soldiers, Peasants and Bureaucrats*, pp. 199-230.

[11] Andrzej Korbonski, Sarah M.Terry, 'The Military as a Political Actor in Poland' in Kolkowicz, Korbonski (eds.). *Soldiers, Peasants, and Bureaucrats,* p. 176.

vitally relevant for understanding the nature of political - military interaction in Eastern Europe'.[12]

In an effort to ensure political reliability and firm control over the military, the communist parties encouraged the party membership of the officers[13] and established the Main Political Administration operating within the military. Everywhere in the Soviet type regimes the MPA represented a direct and formal link between the army and the party and were major organs of party control over the military.[14] Also, the MPA played an essential role in the politicisation of the professional military in the Warsaw Pact armies. Its structure and activities led to the emergence of the one dimensional model of civil – military relations, where the military were subjugated to the civilian but non-democratic control. The degree of control varied between the countries,[15] however in all the communist states the experience left an unfavourable legacy of military resentment against civilian control, commonly equated with political intrusion in military professional affairs.[16]

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[12] Alex Alexiev, 'Party - Military Relations', in Kolkowicz, Karbonski (eds.), *Soldiers, Peasants and Bureaucrats*, p. 201.

[13] Szayna, Larrabee, *East*, p. 6 - 7. On average, the rate of membership of the officer corps was 65%, but it was 100% in the top echelons. Herspring, Volgyes, 'The Military', p. 262. In the Soviet military under Gorbachev, the data was respectively 78% and 100%. Robert V.Barylski, 'The Soviet Military before and after the August Coup: Departization and Decentralization', *Armed Forces & Society,* Vol. 19, No. 1, Fall 1992, p. 28.

[14] James Gow, Carole Birch, *Security and Democracy: Civil – Military Relations in Central and Eastern Europe.* No 40, (London, the Centre for Defence Studies: Brassey's, September 1997), pp. 3 – 5.

[15] Anton Bebler, 'The Evolution of Civil - Military Relations in Central and Eastern Europe', *NATO Review*, August 1994, pp. 28 – 29.

[16] Teresa Rakowska - Harmstone, presentation during the conference, *Civil - Military Relations in Central and Eastern Europe*, workshop held in Luxembourg on 21 - 22 April 1995, Transcript of Proceedings, (Luxembourg Institute for European and International Studies, 1995), p. 8; Andrew A.Michta, *The Soldier-Citizen: the Politics of the Polish Army After Communism* (Houndsmills, Basingstoke: Macmillan Press, 1997), p. 4.

The existence of direct and formal party – army connection and the uniformity of the model of civil – military relations throughout the Warsaw Pact constitute distinctive properties of the communist legacy in the field. However, there was no agreement among the Western analysts as to the exact nature of the complex relationship that developed as a result of interaction between the political agents and the professional military. The three best-known Western models were devised by Kolkowicz,[17] Odom[18] and Colton[19] and presented mutually exclusive concepts of communist civil – military relations.[20] Kolkowicz's model portrayed the party – military relationship as inherently conflictual. In his view the correlation between the political control and military skills was inverse. Odom saw the party-army relationship as the case of institutional congruence, in which the military were the main beneficiaries of the Soviet system. Finally, Colton's participatory model perceived the connection between the armed forces and the MPA as a mutually beneficial relationship, although not free from occasional disagreements.

As Barany observed, none of the models offered a convincing explanation for a relatively low military profile in communist politics or for the acquiescence of

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[17] Roman Kolkowicz, 'Interest Groups in Soviet Politics: The Case of the Military' in Dale R. Herspring, Ivan Volgyes (eds.), *Civil - Military Relations in Communist Systems* (Boulder, CO: Westview Press, 1978), pp. 5 – 27.

[18] William E.Odom, 'The Party - Military Connection: A Critique', in Herspring, Volgyes, *Civil – Military*, pp. 28 – 29.

[19] Timothy J.Colton, 'The Party - Military Connection: A Participatory Model', in Herspring, Volgyes, *Civil – Military*, p. 53. Colton further developed his participatory model in the book *Commissars, Commanders and Civilian Authority: The Structure of Soviet Military Politics* (Cambridge, MA: Harvard University Press, 1979).

[20] See also Michael J.Deane, The Main Political Administration as a Factor in Communist Party Control over the Military in the Soviet Union', *Armed Forces and Society*, Vol. 3, No. 2, February 1977, pp. 295 – 319.

the Soviet military in the course of dismantling the Soviet empire.[21] Such an explanation, though unconvincing, was offered by Adelman's categorisation of the patterns in communist civil – military relations. He classified the relations by degrees of military political influence, which according to him was dependent on the origin of the communist regime. Eastern Europe was classified as a region of minimal political influence.[22] Adelman's model however had only limited theoretical application as the regime assessment by the origin was 'entirely situational and nonreplicable'.[23] Finally, a different view of Soviet political – military relations was proposed by Condoleezza Rice who devised a model of 'loose coupling'.[24] In this theory, the appropriate Soviet political bodies held a civilian monopoly in decision-making, while the military were the sole experts in security and defence issues, enjoyed considerable autonomy in the conduct of their affairs and had significant influence on the size of military budget. The theory of loose coupling might explain the stability of the Soviet political - military relations and the continuous military subordination to the party authority,[25] although the model suited only the hegemonic army of the Soviet Union.

The history tested both ideological tenets and efficiency of party control over the military. The systemic politicisation of the communist military was undeniable and remained one of the most important aspects of the regime's legacy. However,

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[21] Barany, *Soldiers and Politics*, pp. 15 -16 and 169 -171.

[22] Jonathan R. Adelman (ed.), *Communist Armies in Politics* (Boulder, CO: Westview Press, 1982).

[23] Beck, Rawling, 'The Military', p. 202.

[24] Condoleezza Rice, 'The Party, the Military and Decision Authority in the Soviet Union', *World Politics,* 40, 1, (October 1987); I based my description here on the article of Brian A.Davenport, 'Civil - Military Relations in the Post - Soviet State: "Loose Coupling" Uncoupled?', *Armed Forces & Society,* Vol. 21, No. 2, Winter 1995, pp. 175 - 194.

[25] Yang Zhong, 'The Transformation of the Soviet Military and the August Coup', *Armed Forces & Society,* Vol.19, No.1, Fall 1992, pp.48 - 50.

the politicisation did not result in the desired reliability of the military or their complete integration with the system.[26] Moreover, the complex system of incentives and disincentives for the armed forces seemed to be failing over time. The military were by and large ideologically apathetic and did not identify themselves sufficiently with the supranational interests of the Warsaw Pact to deserve trust in crisis situations.[27] Most importantly, the communist military record of non-intervention was not as impeccable as it had seemed. The few documented attempts of staging coups took place, for example, in Bulgaria in 1965, Czechoslovakia in 1969, and Romania in 1984 and 1987.[28] More importantly, however, the system of political socialisation in the Soviet style armed forces predisposed the military towards involvement in politics rather than inhibited it. As noted in the Western models of Soviet party-military connection discussed above, the institutionalised link to the party organisation worked both ways and could become a military channel of exerting pressures on the political authorities. This natural closeness of the army to the party, combined with the unclear lines of party leadership succession and lack of institutionalised rules for conflict resolution created an environment conducive to military engagement in politics and to it performing the role of arbiter. Thus, the challenge of restructuring the post-communist civil – military relations did not lie in making the military return to the barracks, but in preventing them from formal or informal involvement in current politics.[29]

Beyond military politicisation, the communist civil-military relations featured a number of structural properties that differentiated it from liberal

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[26] Ivan Volgyes, *The Political Reliability of the Warsaw Pact Armies: The Southern Tier*, (Durham, NC: Duke University Press, 1982): Szayna, Larrabee, *East European..'*, pp. 7-8.

[27] Barany, *Soldiers and Politics*, p.165.

[28] Barany, *Soldiers and Politics*, p.152.

democracies and had to be overcome in the course of democratic transitions.[30] Within the framework of the Warsaw Pact, the armies were effectively subordinated to the external command of the Soviet headquarters while the national chains of hierarchy were subdued and often bypassed. The corollary of the Warsaw Pact structure was underdevelopment of the national capabilities in strategic defence planning, which later resulted in problems with drafting post-communist defence doctrines.[31] Those problems were intensified by another distinctive property of the communist legacy, that is the system of appointment of politically reliable people, or *nomenklatura*, to all leading positions in the state administration.[32] After the fall of communism, the former regime functionaries were the only available cadres with administrative knowledge and experience in the post-communist countries.

The specific structures of the relations between the military, the executive and the party formed an institutional framework very different from liberal democracies. Consequently, policy-making in the communist institutional context differed as well. As William Odom sarcastically observed,

> No Western political leader could bring a mere dozen of his close associates into a closed room, deliberate with them based only on materials prepared by the staff of his military department and reviewed only by his own political staff, and then push through his preferred policy.[33]

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[29] Szayna, Larrabee, *East European*, p. 5.

[30] See Stephan Blank, Thomas Durell Young, 'Challenges to Eastern European Security in the 1990s', *European Security*, Vol.3, No.3, Autumn 1992.

[31] Gow, Birch, *Security and Democracy*, p. 5.

[32] George Schöpflin, *Politics in Eastern Europe 1945 - 1992* (Oxford UK&Cambridge USA: Blackwell Publishers, 1993), pp.139 & 200.

[33] William E.Odom, *The Collapse of the Soviet Military*, (New Haven & London: Yale University Press, 1998), p. 37.

Yet, the institutional framework of communist civil – military relations allowed for elaboration of the defence and security policy in the closed and narrow circle of decision – makers and their advisors, without an outside institutional or public supervision. A number of systemic features enabled such a situation. First, the Soviet style systems lacked a clear distinction between the party and the state. A formal division of prerogatives and responsibilities was merely symbolic, primarily because the party structures doubled and merged with executive institutions and party members were present in all state organs, secondly because the constitutionally sanctioned 'leading role' of the communist parties guaranteed the supremacy of party decisions in all the fields. Thus, the 'power of the purse', a key instrument of control over the military, also rested with the party leadership, effectively restraining the influence of other state institutions over the army.[34]

The management of the communist military was carried out through the structures of the Ministry of Defence and the General Staff. Those two institutions stood at the top of the military structure, and the scope of the nominative prerogatives of the Minister of Defence was extensive. However, in reality the General Staff were the more important part of the management structure, because it held operational command and control, as well as being in charge of strategic and operational planning.[35] Additionally, the organisation and workings of the Warsaw Pact further diminished the importance of national MoDs in favour of the supranational, Soviet dominated structures. Another important difference was that, while in democratic systems MOD typically performs a mediating function between

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[34] Odom, *Collapse*, pp. 16 – 23.

[35] Odom, *Collapse*, pp. 23 – 27.

the executive and the armed forces, in the communist regime such a function, if anything, was performed by the MPA.[36]

The final aspect of the communist legacy was an obsessive secrecy in everything that concerned the military, defence and security issues. This particular characteristic had a serious impact on the development of civil – military relations in communist systems, and particularly on the underdevelopment of control. It gave the representatives of the military and the party a monopoly of information, prevented parliamentary scrutiny even over budget issues and, in the conditions of communist non-autonomous institutions, blocked the emergence of even the smallest ersatz of security community.

Democratic Consolidation in Post-Communist Countries

The notion of democratic civilian control of the military is predicated on the existence of a functioning, that is, consolidated democracy. The democratic order of the state is a necessary requirement for establishing democratic civilian control. By the same token, civilian control is a necessary though not sufficient precondition for democratic consolidation.[37] The attempt to consolidate democracy was shared by the ex-communist countries where the downfall of communist regimes was, without exception, in the name of democracy.[38] The present section, therefore, is devoted to

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[36] Gow, Birch, *Security and Democracy*, p. 4.

[37] Richard H.Kohn, 'How Democracies Control the Military', *Journal of Democracy*, Vol. 8, No. 4, October 1997, p. 144; Adam Przeworski, 'The Games of Transition', in Scott Mainwaring, Guillermo O'Donnell, J.Samuel Valenzuela, *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective.* (Notre Dame, Indiana: University of Notre Dame Press, 1992), pp. 131 – 136.

[38] Robert D.Grey, 'Introduction: How to Understand the Probable Political Future of the Formerly Communist States', in: Robert D. Grey (ed.), *Democratic Theory and Post-Communist Change*, (Upper Saddle River, New Jersey: Prenice Hall 1997), p. 15.

the problems of democratic consolidation in post-communist countries, analysed against the background of the communist legacy of political and social systems in Central Eastern Europe and the post-Soviet countries. In this section, I will introduce a definition of consolidated democracy and apply it to the evaluation of the progress of democratic transition and consolidation processes in the post-communist states. In this process, I will re-examine certain assumptions regarding the goals of post-communist transitions and mechanisms of legitimating them. I will also discuss the distinctive features of the post-communist democratisation processes, pointing to the weakness of existing models for transition and their inapplicability to the post-communist processes of democratisation. Finally, in this section, the links between the process of democratisation and reform of the military and their interdependence within the framework of democratic civil-military relations will be addressed.

A definition of the consolidated democracy adopted in this study is minimalist and procedural.[39] In the most concise formulation it could be described as a stage in which a democratic system would become 'the only game in town'.[40] This approach, shared by most authors,[41] is linked to basic democratic institutions and procedures: free and competitive elections, universal suffrage rights for adults, freedom of organisation and expression, particularly expression of contest, access to

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[39] Based mainly on J.Samuel Valenzuela, 'Democratic Consolidation in Post-Transitional Settings: Notion, Process, and Facilitating Conditions', in Mainwaring, O'Donnell, Valenzuela, *Issues in Democratic*, pp. 58 – 61. Also in Juan J.Linz, Alfred Stepan, *Problems of Democratic Transition and Consolidation. Southern Europe, South America and Post-Communist Europe* (Baltimore & London: 1996), pp.5 – 6.

[40] Linz, Stepan, *Problems of Democratic*, p. 5.

[41] Przeworski, 'Games', p.105.

alternative sources of information, finally institutions and mechanisms for the democratic accountability of the government.[42]

The minimalist approach to the process of democratic consolidation put the onus on the process of institutionalisation of politics and therefore was liable to criticism for overemphasising the significance of electoral procedures,[43] for neglecting the normative values underpinning the functioning democratic systems as well as for excluding the problems of the quality of the governance.[44] Such criticism contains a double fallacy. First, an unrestricted extension of the definition beyond the institutional and procedural features of the consolidated democracy to include normative values and qualities might lead to picturing the democracy as an ideal type political system; in consequence, such system would be neither fully achievable, nor liable for comparisons due to a number of intangible values and indefinite standards included in such a broad definition. Moreover, that ideal democracy would be linked to the concept of a system that is so stable and immune

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[42] See also Karen Dawisha and Bruce Parrott (eds.), *Democratic Changes and Authoritarian Reactions in Russia, Ukraine, Belarus and Moldova*.(Cambridge: Cambridge University Press, 1997), pp. 1 – 58; Guillermo O'Donnell and Philippe C.Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies* (Baltimore and London: The John Hopkins University Press, 1993), pp. 3 – 11; Samuel P. Huntington, *The Third Wave. Democratization in the Late Twentieth Century* (Norman and London: University of Oklahoma Press, 1993), pp. 5– 13; Alfred Stepan and Cindy Skach, 'Constitutional Frameworks and Democratic Consolidation. Parliamentarianism versus Presidentialism', *World Politics* No 46, October 1993, pp. 1 – 22.

[43] This phenomena was called an 'electoralist fallacy' by Linz and Stepan and concerned the situation where the establishment of working procedures for free and competitive elections was regarded as a necessary and sufficient condition for the consolidation of democracy. Linz, Stepan *Problems of Democratic*, p.4; also in Huntington, *The Third Wave*, p. 9.

[44] For a value-oriented approach to democratic consolidation, see Kristen Hill Meher, 'The Role of Mass Values', in Grey, *Democratic Theory*, pp. 79 – 101.

to social unrest or urban riots that it is virtually unbreakable.[45] In reality, protests and political conflicts are the normal feature of functioning democracies and research carried out in the post-communist countries demonstrated that a 'heightened level of contentious collective action' does not necessarily present a threat to consolidation as long as the actors respect democratic rules for it.[46] As will be discussed later in this part, such an idealistic understanding of democracy had a negative impact on the post-communist transitions in Central Eastern Europe. Secondly, the focus on institutional and procedural characteristics does not eliminate the problem of operating values of democracy from the analysis of consolidation processes. 'Institutions' of democracy are understood as the procedures for conflict resolution which enable the political actors to resolve their differences and compromise on the diverging interests that are inherent to the pluralistic society. The institutions play a mediating role in democratic systems, offering a framework for peaceful policy formulation and for holding the decision makers accountable to their electorate.[47] However, for such a framework to operate effectively, democratic procedures must become routinised by the strong majority of the population and approved by all political actors as the only acceptable way for state governance and conflict resolution.

Thus, a consolidated democracy rests on two major pillars: one is the framework of constitutional, legal and procedural norms which govern the collective

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[45] J.Samuel Valenzuela, 'Democratic Consolidation in Post-Communist Settings: Notion, Process, and Facilitating Conditions', in Mainwaring, O'Donnell, Valenzuela, *Issues*, p. 59.

[46] Grzegorz Ekiert, Jan Kubik, 'Contentious Politics in New Democracies: East Germany, Hungary, Poland, and Slovakia, 1989 - 93', *World Politics* 50 (July 1998), p. 581.

[47] Robert D.Putnam, *Making Democracy Work. Civic Traditions in Modern Italy*, (Princeton: Princeton University Press, 1993), pp. 7 - 12.

life[48] and the second is the public trust in the durability of the system and the attitudinal acceptance of the population for democracy 'as the only game in town'.[49] The mere introduction of electoral procedures for free and competitive elections could be conducive to the installation of democratic government, however, this is insufficient to make a democratic system operative. In the absence of the attitudinal acceptance for institutions of democracy, the constitutional and legal theory and the political practice invariably differ and the growing discrepancies distort the political system.[50] Such a phenomena was observed in many authoritarian systems of Latin America that possessed certain democratic institutions, yet their mode of operation was hardly democratic due to the authoritarian political practice.[51]

The necessity of attitudinal acceptance of the democratic institutions and procedures invited two key concepts of representative democracy, that is legitimacy and citizenship. For the purpose of this work, legitimacy can be defined as 'the capacity of a social and political system to develop and maintain a general belief that the existing social order and its main solutions are generally appropriate'.[52] If the strong majority of actors involved in the political process approves of democratic procedures as the only legitimate means for conflict resolution, then the democratic

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[48] William R.Reisinger, 'Choices Facing the Builders of a Liberal Democracy', in Grey, *Democratic Theory*, pp. 24 – 44; O'Donell, Schmitter, *Transitions*, p. 65.

[49] Arend Lijphard, Carlos H.Waisman (eds.), *Institutional Design in New Democracies* (Boulder, Colo.: Westview, 1996), p.2.

[50] Amos Perlmutter, *The Military and Politics in Modern Times: on Professionals, Praetorians, and Revolutionary Soldiers.* (New Haven and London: Yale University Press, 1977), p.230.

[51] R.A.Humpreys, 'Latin America - the Caudillo Tradition', in Michael Howard, *Soldiers and Governments: Nine Studies in Civil - Military Relations*, (London: Eyre & Spotiswood, 1957), p.151.

[52] Jacques van Doorn, 'The Military and the Crisis of Legitimacy', in Gwyn Herries - Jenkins, Jacques van Doorn (eds.), *The Military and the Problem of Legitimacy*, (London: SAGE , 1976), p. 20.

system can perform effectively and may be consolidated.[53] Legitimacy problems were always the Achilles heel of the communist regimes, particularly in Central Eastern Europe and it was precisely the final loss of popular legitimacy that was crucial for the rapid collapse of the regimes throughout the region.[54]

The second concept crucial for the functioning of democracy is citizenship.[55] The concept defines the relationship between the state and the population; the granting of citizenship to an individual gives the person the right to participate in collective life as well as to pursue individual activities. However, citizenship does not only comprise of rights, but also determines the responsibilities of the individual to the state.[56] Historically, the universal citizenship developed together with mass conscription in the Western nation-states, which paved the way to equality of duties and rights of the citizens.[57] Today, the notion of citizenship has a normative quality of a knowledgeable and willing participation of the citizen in the maintenance of the democratic political practices. Seen in such categories, citizenship is the mainstay of the consolidated democracy and a necessary foundation for a civil society.[58]

In general, a successful transition from a non-democratic regime to a consolidated democracy would required a reformulation of the citizenship concept, an intensive legislative effort to create a new constitutional and legal framework, an institutionalisation of the policy making process, a redistribution of executive power

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[53] See Robert A.Dahl, *Democracy and Its Critics.* (New Haven: Yale University Press, 1989), pp. 207 – 208.

[54] Schöpflin, *Politics*, p. 228.

[55] Morris Janowitz, 'Military Institutions and Citizenship in western Societies', *Armed Forces & Society*, Vol. 2, No. 2, 1976, p. 191; Reisinger, 'Choices Facing', p. 42.

[56] Schöpflin, *Politics*, pp. 281 – 284.

[57] Janowitz, 'Military Institutions', pp. 185 – 203.

and an introduction of the mechanisms for democratic accountability of the policy makers, finally an enforcement of the rule of law. However, the process of democratic consolidation in the post-communist countries had some additional distinctive features that resulted from the specific heritage of the communist regimes and the conditions of post-communism.[59]

One of the most characteristic features of the communist party–states was a deliberate lack of distinction between the public and private spheres of life. This was a direct result of the totalising nature of the communist regimes, in which the political sphere was above all the remaining spheres of life. The absolute supremacy of ideology and the priority of political goals were the fundamental tenets of the communist ideology and effectively eliminated the autonomy of all other fields of collective life. The party was the organisation that was supreme to all government structures and non-government organisations, that ran the policy of the state and controlled the state institutions. 'The party enveloped the state and sought to draw all activity into itself.'[60] Consequently, one of the most important tasks to be undertaken in the course of democratisation was to remove the party structures from the state institutions and to separate the public sphere from the private.[61]

The successful disconnection of the party from the state required a thorough restructuring of the state construction and a decisive redirection of the decision-

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[58] Jerome B.King, 'The Problematic of Citizenship in Liberal Democracy: an Essay on Politics and Faith', in Fred Eidlin (ed.), *Constitutional Democracy: Essays in Comparative Politics*, (Boulder, Co.: Westview Press, 1983), p. 107.

[59] For a 14-point characteristic of the post-communism see Leslie Holmes, *Post-Communism: An Introduction.* (London: Polity Press, 1997), pp. 14 – 15.

[60] Schöpflin, *Politics,* p.98.

[61] Jowitt argued that this communist legacy in fact directly favours authoritarian outcomes of transitions. See Kenneth Jowitt, *New World Disorder: the Leninist Extinction.* (Berkley: University of California Press, 1992), pp. 121 – 158 and 293.

making channels to enhance the power of the state and its government. This issue was directly linked to the problem of communist heritage in the sphere of institutions.[62] The years of the communist regime damaged the institutions and deprived them of real autonomy and social trust. The institutions were dependent on the regime and their representative function was a sham. Rather than mediating between the individuals and the authorities, they were used to channel the decisions from the top down and to control and take charge of any spontaneous social movement that might have appeared in the communist state.[63] As the example of the Solidarity movement demonstrated, any autonomous social movement was a lethal threat to the regime because it immediately exposed its lack of legitimacy, the weakness of its foundations of power and its detachment from the social base.

The circumstances of the post-communist states were additionally complicated by the lack of pre-totalitarian legacy that might improve the situation: none of the pre-communist institutions survived the communist rule in an original, authentically representative form. As a result, the post-communist entities were exceptionally ill-prepared for the institutionalisation of political processes. And, since the supremacy of the party extended over the legal sphere in the communist regimes as well, this legacy of a lack of respect for the law of the state that had been perceived as alien and oppressive inevitably complicated the introduction of the rule of law in the post-communist states that would be compatible with democratic standards. Additionally, the deeply embedded distrust of the institutions and the lack

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[62] On importance of the pre-democratic institutional heritage see O'Donnell, Schmitter, *Tentative Conclusions*, pp. 21 – 23.

[63] Schöpflin, *Politics*,pp. 274 – 275.

of experience with autonomous social activities negatively affected the process of emergence of the civil society.[64]

While the readiness of the individuals to participate in the political, social and economic processes ongoing in the state is the fabric the civil society is made from, the very idea of an autonomous activity of the individuals in the state is predicated on the notion of universal citizenship. In the conditions of the totalising regimes that excluded any autonomous activity or participation in political and economic processes by definition, the definition of citizenship was not vitally important. However, the emergence of the new states and the reform of the post-communist legal systems prompted the redefinition of the citizenship laws in many countries, not always in a way compatible with democratic standards.[65] The citizenship controversy was one of the distinctive features of the post-communist democratisation processes. This was closely related to the granting of individual and collective rights and freedoms, a freedom of expressing individual or collective dissent in particular, which also redefined the concept of citizenship in the post-communist countries. For example in the constitutions of the Czech Republic, the catalogue of citizen rights constitute the major part of the basic law.

In each of the post-communist countries, the introduction of a democratic political system was the declared goal of transition and the legitimating factor for the post-communist incumbents. However, those declarations should be treated with

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[64] George Schöpflin, 'Culture and Identity in Post-Communist Europe', in Stephan White, Judy Batt, Paul G.Lewis (eds.), *Developments in Eastern European Politics* (London: The Macmillan Press, 1993), pp. 16 – 34.

[65] Linz, Stepan, *Problems,* pp. 414 – 419.

caution. The speed and the snowballing effect[66] that had occurred in the process of collapse of the communist regimes throughout Central Eastern Europe and the former Soviet Union did not allow for an elaboration of the comprehensive lists of postulates. But, while everywhere the goal of democratisation was acknowledged, in Czechoslovakia the discussion on the formula of the state prevailed over other political reforms in the first three years, in Lithuania the desire to establish a strong nation-state was a dominant feature of the post-communist transition, and in Ukraine a number of interest groups presented differing agendas for launching the transition, however the first administration of the independent state prioritised nation- and state-building processes over other reforms. Only in Poland did the concept of democracy appear to be a well defined goal of the transition from its onset.

However, the actual content of that concept had little to do with real, functioning representative democracy. Under communist rule, the dissidents had defined 'democracy' as a moral and ethical concept and put it in opposition to the totalising communist regime. Such an idealised notion of the democratic system survived the break down of the communist regime and in a non-revised version became the goal of the transitions. A similar process was taking place in other post-communist countries. Once the basic democratic institutions and procedures were put in place, the workings of the democratic system inevitably disappointed the citizens of the post-communist countries as being very remote form the ideal type of democracy that had been pictured by the former opposition.

One of the problems with transitions from non-democratic regimes to democratic rule is that non-democratic regimes typically build a strict order for the

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[66] On 'snowballing' or 'demonstration effect' in democratisation of the communist countries in Central Eastern Europe see Samuel P.Huntington, *The Third Wave. Democratisation in the Late Twentieth Century* (Norman and London: University of Oklahoma Press, 1993), pp. 100-106.

state, while democracy introduces an institutionalised uncertainty of political results through the process of bargaining.[67] This uncertainly is not well tolerated by a population at large that had been habituated to authoritarian order. It produces a longing for the rule of the 'strong man' and consequently may be disruptive for the consolidation of democratic systems. This process was observed in many post-communist countries, and showed particularly in the popular consent for the personalisation of politics. Therefore, the quick and effective institutionalisation of the post-communist polities was a high priority for all post-communist reformers. Failure to institutionalise politics could result in what Huntington called the rise of 'praetorian society', characterised by:

> ... absence of effective political institutions capable of mediating, refining, and moderating group political action. In a praetorian system social forces confront each other nakedly; no political institutions, no corps of professional political leaders are recognised or accepted as the legitimate intermediaries to moderate group conflict...In an institutionalised polity most political actors agree on the procedures to be used for the resolution of political disputes...In a praetorian society, however, each group employs means which reflect its peculiar nature and capabilities. The wealthy bribe, mobs demonstrate; and the military coup. In the absence of accepted procedures, all these forms of direct action are found on the political scene.[68]

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[67] William R.Reisinger, 'Establishing and Strengthening Democracy', in Grey, *Democratic Theory..*, pp. 52 – 73.

[68] Samuel B.Huntington, *Political Order in Changing Societies* (New Haven, CT: Yale University Press, 1968), p.196.

The overview of the requirements for consolidating the democratic system of the post-communist states revealed the interdependence of the two previously mentioned streams of the civil-military transformation: the reform of the state and the reform of the military and the convergence of the goals. Both required changes in the legal and constitutional order, both call for the redistribution of executive power, both need the institutionalisation of the policy-making processes to make their outcome predictable. Moreover, both the civilians and the military involved in processes of democratisation are in need of the attitudinal acceptance of democratic 'rules of the game'. Research showed that 'officers who behaviourally submit to democracy without attitudinally supporting the regime might pose a not insignificant de-consolidating threat to the regime until they adopt a more democratic attitude'.[69] Internalisation of democratic values is a necessary condition for a consolidation of democracy to occur. The fact that the post-communist transition was from civilian, and not military rule, was one of the features conducive to the prospective democratisation. The military in Latin American, Spanish or Portuguese transitions had a number of instruments which limited the extent of democratisation. Such means of power preservation as tutelary powers, creation of 'reserved domains' of authority, and a direct threat of removing legal government from office by coup d'etat[70] were frequently employed in the countries where the military had rules prior

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[69] Neovi Karakatsanis, 'Do Attitudes Matter?', *Armed Forces & Society*, Vol. 24, No.2, Winter 1997, p. 289. The same distinction between behavioural or functional as opposed to attitudinal integration with the system was applicable to communist regimes. See Teresa Rakowska-Harmstone, Christopher D.Jones, Jahn Jaworski, Ivan Sylvain and Zoltan Barany, *Warsaw Pact: Question of Cohesion Phase II, Vol.1. The Greater Socialist Army: Integration and Reliability* (Ottawa: Dept. of Defense, Canada, 1984), pp. iv - v.

[70] Valenzuela, 'Consolidation in..', pp. 62 - 69. Also David C.Rapoport, 'The Praetorian Army: Insecurity, Venality, and Impotence', in Roman Kolkowicz, Andrzej Korbonski (eds.), *Soldiers,*

to the initiation of democratic reforms. None of these instruments was readily available to the post-communist military and therefore the challenge of civil-military transformations lay in fitting the military in the proper place in the state institutions rather that preventing the threat of a coup.

Transforming Civil-Military Relations

The transformation of communist civil-military relations was a prerequisite for successful democratisation in the post-communist political systems. The task of introducing democratic civilian control of the military gained an additional weight after NATO had included its implementation as a necessary precondition for membership. However, the complexity and speed of the post-communist transition did not allow for an evolutionary emergence of indigenous models in the countries the way the democratic civil–military relations had developed in the West. Instead, Western specialists, who essentially prepared a list of minimal requirements for democratic civilian control to be operational, offered a ready-made policy model – and such academic discussion as there was focused around this template, rather than seeking to investigate and analyse. The major failing of most of this work, as will be seen below, was that it began from a Western ideal, rather from the reality of post-communist transition. The purpose of this final section is to address that work, with a view to identifying and building on limited work by others that has correctly taken the break from communism as the starting point for analysis, rather than a non-existent ideo-typical template of democratic civil-military relations. The point of departure for this is an understanding of civil-military relations in which the 'civil' is as important as the military, or even more so.

Peasants and Bureaucrats. Civil - Military Relations in Communist and Modernizing Societies (

The basic civil-military problematique can be defined as the 'challenge ...to reconcile a military strong enough to do anything the civilians ask them to with a military subordinate enough to do only what civilians authorise them to do...just as the military must protect the polity from enemies, so must it conduct its own affairs so as not to destroy the society it is intended to protect'.[71] In the light of the above formula, any transformation of civil-military relations essentially would represent a process of redrawing the balance between the civilians and the military and so would always be a daunting task for the reformers.

Regardless of the particular type of transition, the civil-military transformation is always a double-streamed process. One stream concerns the military and the process of redefining its place in the state, ascribed functions and the mechanisms of control by the civilian authorities. The other stream relates to the general transformation of the state, namely the reform of the political system, institutions and the administration. Despite much overlap and interaction between the two processes, each of them is individually conditioned by the particular legacy of the past and the declared goals of the transformation. These two conditioning factors set the framework for and impose limits on the reforms in their military or political dimensions.

The legacy of the communist regimes and the agenda of political reforms set the general framework for democratic transitions in the post-communist countries and the democratisation of civil-military relations constituted an inherent part of those transitions. Without democratisation of the entire political system, it would be

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London: George Allen&Unwin. 1982), p. 254.

[71] Peter D.Feaver, 'The Civil - Military Problematique: Huntington, Janowitz and the Question of Civilian Control', Vol.23, No. 2 Armed Forces & Society, Winter 1996, pp.149 & 152. See also

impossible to democratise a selected fragment of the polity, namely civil-military relations. At the same time, democratic reforms of this sector may serve as a catalyst for the rest of the political system transformation. Either way, the civil-military transition and the democratisation of the political system of the state are inseparable and interdependent processes.

The present study focuses on the post-communist civil-military transformation in the wider context of democratic transition and consolidation processes, in which an establishment of the reasonably effective democratic civilian control of the military is regarded as one of the prerequisites for a consolidated democracy. Inclusion of democratic civilian control of the military to the preliminary criteria set by NATO for the possible admission of the post-communist candidates[72] to the alliance further increased the weight of the relevant reforms and consequently, the state of civil-military relations 'became a yardstick of political reform' in the post-communist countries.[73]

There are three fundamental assumptions that condition an investigation of civil-military relations in a period of transition from communism to democracy. These need clearly to be identified if there is to be a proper understanding of the issue, however, this understanding is absent, explicitly or implicitly in most of the relevant literature. First, since 'democracy is a form of governance of a modern state',[74] there is no chance of democracy being possible without a functioning state.[75] Secondly,

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Christopher Dandeker, 'National Security and Democracy: the United Kingdom Experience', *Armed Forces & Society*, Vol. 20, No.3, Spring 1994, pp. 353 - 374.

[72] *Study on NATO Enlargement*, (Brussels: NATO, 1995).

[73] Ben Lombardi, 'An Overview of Civil - Military Relations in Central and Eastern Europe', *The Journal of Slavic Military Studies*, Vol.12, No. 1, March 1999, p. 13.

[74] Linz, Stepan, *Problems of Democratic Transition*, p.17.

[75] Reisinger, 'Establishing and Strengthening', p. 59.

democratisation of the civil-military relationship is a necessary though not sufficient condition for the consolidation of democracy in any state; failure to transform the relations in a manner compatible with modern democratic systems will inevitably impede the general consolidation processes and put democracy in jeopardy, or at best deteriorate its quality. Thirdly, as already noted, the post-communist countries that had been part of the 'inner and outer Soviet empire'[76] shared a common legacy of communist civil-military relations and declared similar goals of democratic transformation in the field.

Based on the above assumptions, four factors are of decisive importance for understanding the civil-military transformations in the post-communist countries: the state, the processes of its democratisation, the communist legacy and the declared goals of transition. These factors have shaped the interface between the government, the military and society and have ultimately conditioned the outcome of the reforms. However, the common legacy of the past and the similar goals of the transition created the initial conditions for democratic civil-military transformation, which were, by and large, the same, at least in terms of experience, throughout the post-communist countries. In addition to this, similar transition goals produced similar reform agendas, and therefore the civil-military reforms undertaken in individual post-communist countries have been concurrent.

This begs the question identified at the beginning of this chapter: why, despite the shared legacy and the converging goals and measures of transformation, have the outcomes of post-communist civil-military reforms varied to such a degree? This is not a question addressed at all in the existing literature – the most appropriate treatment to date, by Gow and Birch, (appropriate because it took the

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[76] Mette Skak, *From Empire to Anarchy. Post-communist Foreign Policy and International Relations*

communist legacy as its starting point), is in the end no more that an elementary pathology, providing a basis for comparison, but failing to offer reasons for the differences identified.[77]

This failure was evident in work by academics and practitioners alike, whether the forum was publications, gatherings of various kinds, or formal and official critiques, each of which is considered in the following paragraphs. First, in terms of publications, the subject of civil-military transformations in Central Eastern Europe was predominantly linked with the process of NATO enlargement and so the progress of reforms was surveyed case by case against the membership requirements professed by the Western community of policy-makers.[78] Along with the judgement of the reforms in individual countries, the works offered strong policy recommendation for the future.[79] Secondly, a similar picture emerged from reports (and so forth) on seminars, meeting, NATO workshops and courses.[80] However, the

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(London: Hurst & Company, 1996), p. 4.

[77] The fact of varied outcomes to transition over a ten-year period is not a problem because of variety per se – this is and should be expected. Civil–military relations vary in form and character among the democratic states. Indeed, the process of 'teaching' the representatives of the post-communist states the properties of democratic model was at the same time a process of elaborating such a minimal model of democratic civil–military relations in the West. The thing that brought the varied outcomes into question was that the differences concerned quality and completeness, rather than form.

[78] The best known publication on the Central Eastern European civil-military relations were: Jeffrey Simon, *Central European Civil – Military Relations and NATO Expansion, McNair Paper*, No 39, (Washington D.C. Institute for National Strategic Studies: 1996); Ernest Gilman and Detlief Herold (eds.), *Democratic and Civil Control Over Military Forces: Case Studies and Perspectives* (Roma: NATO Defence College Monograph Series, No 3, 1995); Anton Bebler (ed.), *Civil - Military Relations in Post-Communist States.*, (Westport, CT: Greenwood, 1995).

[79] A more general overview of the post-communist situation and imperative reforms, see Anton Bebler, 'The Evolution of Civil - Military Relations in Central and Eastern Europe', *NATO Review*, August 1994; Christopher Donnelly, 'Developing a National Strategy for the Transformation of the Defence Establishment in Post-Communist States', *European Security*, Vol.5, No.1, Spring 1996.

[80] For example speech by Ambassador Robert E.Hunter, U.S Permanent Representative on the North Atlantic Council on *Civilian Control of the Military in Democracies-Prepared Remarks*, held at

meetings of the Western scholars and policy makers with the gradually expanding community of post-communist specialists in military and defence policy permitted more a broader theoretical discussion on the democratic civil-military relations, acknowledging the variety of models of such relations in Western democracies.[81] Perhaps the most interesting document in that context was the policy paper produced by the team of British experts after they had conducted the review of the democratic control of the military in Hungary. The British document contained the list of minimal requirements for the democratic overseeing of the military, followed by the detailed description of the Hungarian model and its deficiencies, complete with strong policy recommendations and as such was most representative to the Western approach toward post-communist countries and their civil-military transformations.[82] Finally, the same picture emerged from the numerous critiques that spelled out the message of the insufficient progress regarding the reforms, pointing most of all to the lack of adequate political guidance or even elementary political will to carry out civil-military transformation, along with the detrimental influence of the competency conflicts on the post-communist civil-military

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Jagiellonian University, Cracow, Poland, May 6, 1996; *Civil - Military Relations in Central and Eastern Europe, Transcript of Proceedings,* workshop held in Luxembourg on 21 - 22 April 1995, Luxembourg Institute for European and International Studies; in *Conference on Civil – Military Relations in the Context of an Evolving NATO,* (Budapest: Ministry of Defence/Ministry of Foreign Affairs, 15 – 17 September 1997) and others.

[81] For example *Parliamentary Oversight of Defence Budgets - a British perspective.* Prepared by United Kingdom Delegation for the Meeting of the PMSC in NACC/PfP Format on Civil/Military Relations and Democratic Control of the Armed Forces, Ljubliana, 10-11 October 1996.

[82] *Review of Parliamentary Oversight of the Hungarian MOD and Democratic Control of the Hungarian Defence Forces.* Study No 810, dir. by M.Holmes, (UK MOD: Directorate of Management & Consultancy Services, February 1996).

relations[83] and incompatibility of the Central Eastern European military cultures with the democratic ones.[84]

What emerged in sum from academic and official treatments was a number of recommendations, the implementation of which was imperative for the introduction of functioning democratic civilian control of the military. The first necessary condition was the introduction of democratic governance itself, that is of a constitutional and legal framework, rule of law, civil liberties, workable electoral practices, and institutionalised policy-making.[85] Secondly, the civil–military interface should be legally regulated in a way fostering democratic civilian control. For this aim, a clear division of authority is necessary on all levels of military governance, from distribution of executive powers between the presidents and the prime ministers to the division of responsibilities between the minister of defence and the chief of general staff. Next, a progressive civilianisation of defence ministers is necessary to break the military monopoly on expertise and establish viable civilian control. Last but not least, the parliamentary overseeing of the armed forces and supervision of defence and security policy of the state are necessary elements of democratic civilian control of the military.[86]

The presentation of a concise list of reforms implementing democratic civil–military relations and close scrutiny of the outcomes without doubt sped up the process of post-communist restructuring of this field, particularly in the countries

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[83] Réka Szemerkényi, 'Central European Civil - Military Reforms At Risk', *Adelphi Paper 306*, (London, IISS: Oxford University Press, 1996).

[84] Frank E.Fields, Jack J.Jensen, 'Military Professionalism in Post-Communist Hungary and Poland: An Analysis and Assessment', *European Security*, Vo. 7, No.1, Spring 1998, pp. 117 - 155.

[85] Kohn, 'How Democracies', p. 144.

[86] Jeffrey Simon, 'Central European Civil – Military Relations and NATO Expansion', in Anton Bebler (ed.), *Civil - Military Relations in Post-Communist States* (Westport, CT: Greenwood, 1995) p.117.

interested in joining NATO. However, by offering a 'pre-digested' formula for application to the post-communist states, the Western politicians separated the practice of democratic civilian control from the tenets of Western theory of civil – military relations and from the moral and political principles underpinning the democratic system of such relations in the West. As a result, with considerable progress achieved in consolidating democratic civil –military relations in some countries, the classic works of Huntington,[87] Janowitz,[88] Finer,[89] van Doorn[90] or Perlmutter[91] remain virtually unknown, and so are the moral, political and social dilemmas discussed in the publications of Etzioni-Halevy,[92] Kohn,[93] Avant,[94] Kemp and Hudlin[95] and others. Lack of such knowledge possibly contributed to some faulty institutional reforms, as well as restricted the public debate that might have otherwise developed in the society on the role and place of the national military.

One work, in particular, partly went against the grain of the rest. In their comparative monograph, *Security and Democracy: Civil-Military Relations in*

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[87] Samuel P.Huntington, *The Soldier and The State. The Theory and Politics of Civil - Military Relations.* 5th edition. (Cambridge, Massachusetts: Harvard University Press, 1972).

[88] Morris Janowitz, *The Professional Soldier. A Social and Political Portrait.*(New York: Illinois Free Press, 1960).

[89] Samuel E.Finer, *The Man On Horseback*, (London: Pall Mall Press, 1967).

[90] Gwyn Herries - Jenkins, Jacques van Doorn (eds.), *The Military and the Problem of Legitimacy*, (London: SAGE , 1976); Jacque van Doorn, *The Soldier and Social Change. Comparative Studies in the History and Sociology of the Military*. (London: Sage Publications, 1975).

[91] Amos Perlmutter, *The Military and Politics in Modern Times - on Professionals, Praetorians and Revolutionary Soldiers* (New Haven and London: Yale University Press, 1977).

[92] Eva Etzioni - Halevy, 'Civil - Military Relations and Democracy: the Case of the Military - Political Elites' Connection in Israel', *Armed Forces & Society*, Vol. 22, No. 3, Spring 1996, p. 490.

[93] Richard Kohn, 'Out of Control: The Crisis in Civil - Military Relations', *The National Interest 35,* Spring 1994, pp. 3 – 17.

[94] Deborah Avant, 'Conflicting Indicators of "Crisis" in American Civil - Military Relations', *Armed Forces & Society,* Vol.24, No.3. Spring 1998, p. 375.

Central and Eastern Europe, Gow and Birch[96] identified a model for comparison based on four factors: restructuring, rules, management and policy communities. While the last three provided the essential basis for comparison of democratic control of defence, with the last being the most demanding and going beyond much in other studies at the time, it was the first that provided the real difference, beginning with an understanding of that which had to be restructured.

Assessment of the restructuring process – that is, the degree to which organisational, structural, or social transformation of the armed forces has occurred in a given country is used in conjunction with the three factors that characterise democracy.[97] Of the three factors that permit the comparison of democratisation, the first includes both formal rules, such as laws, and procedures. The second embraces accountability, structures and personnel. The final factor is the one that most clearly defines a democracy. It includes the institutions and arenas that are essential to public discussion of policy and to scrutiny and overseeing. This level most defines democracy because it permits openness and exchange of information and serves, in principle and in practice, to limit those with power. It is the autonomous sources of knowledge, analysis and argument, both for creative and critical input to policy-making, however, imperfect they may be, that make the difference between democracy and other forms of governance.

The four-pillar framework in Gow and Birch's security and democracy model offered a basis for comparison. However, it is my contention that it omitted a crucial condition for civil-military relations in any of the post-communist countries:

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[95] Kenneth Kemp and Charles Hudlin, 'Civil Supremacy Over the Military: Its Nature and Its Limits', *Armed Forces & Society*, Vol. 19, No.1, Fall 1992, pp.7 - 26.

[96] Gow, Birch, *Security and Democracy*.

[97] Gow, Birch, *Security and Democracy*.

the degree of 'stateness'. While the four components of the Gow and Birch model allowed investigation and comparison, the framework was limited by a failure to identify a crucial variable that could offer explanation, rather than mere comparison. This variable, as I shall argue in the present thesis, is 'stateness.' This enhances the Gow and Birch model by permitting explanation – by taking this approach it is possible answer the question identified at the beginning of this chapter: why did countries beginning civil-military transformation from the same departure point reach such dissimilar positions after a decade? Or, to pose the question more precisely, based on the conceptual modification of the security and democracy framework identified above, is civil-military relations in democratising post-communist transitional countries a function of the interaction of stateness, restructuring, rules and democratic management? It is my contention that a major factor in determining how far there is a stable and democratic civil-military relationship is the quality of statehood. Some of the post-communist states began as states, such as Poland, others, such as Lithuania, have sought to establish new statehood. Moreover, while some new states have been weak, such as Bosnia and Herzegovina, others have proved stronger, such as Estonia. Thus, stateness is the crucial variable for explaining the variety of outcomes in post-communist civil-military transformations.

The Thesis

The remainder of this thesis will use an adapted version of the Gow and Birch comparative framework to go beyond comparison into explanation. To do so, it will introduce the crucial variable of stateness, while compounding one of the Gow and Birch variables – policy communities – into a modified version of their

effective management of the defence element. This framework will be laid out in the following chapter. That chapter will also discuss the selection of four countries – Poland, the Czech Republic, Lithuania and Ukraine – used to draw empirical material that gives substance to each of the subsequent chapters. This empirical field research in the four countries is an original contribution to knowledge in the field through the presentation of new information. This complements the distinctive and original theoretical contribution that the dissertation makes by the identification of stateness as a key explanatory variable, which is then combined with three imperatives from an existing model, permitting the development and application of a theoretical framework: the stateness matrix.

The remaining chapters will offer an integrated comparison across the four countries, with each chapter focusing on one of the elements in the model. In chapter 2, the complete theoretical framework will be laid out and the concept of stateness will be presented together with an explanation of the applicability of the stateness matrix to the study of post-communist civil-military relations. The chapter will also list the countries chosen for the present study and offer justification for their selection.

In chapter 3, the stateness matrix will be applied to the four case countries, offering a cross-country comparison of the nature of the individual nation-states and the quality of their statehood. The aim of that chapter is to identify the advantages and weaknesses of the selected post-communist states and to measure the degree of stateness problems that might have emerged in the aftermath of the collapse of communist regimes in Central Eastern Europe and the break up of the Soviet Union. It will also offer assessment of the state's legitimacy in each of the case countries.

Chapter 4 will be devoted to the problems of military restructuring. By analysing the reforms undertaken in each of the countries, I will survey the progress made by the countries in departing from the communist model of civil-military relations and in adjusting the post-communist military to the changed political and security environment.

Chapter 5 will present the process of creating the legal and procedural framework for the post-communist military in the context of the processes of democratic consolidation. The analysis will be focused on the power distribution among the major political actors and the impact of those processes on the forming of democratic control of the military. I will also identify the main controversies hindering the legal reforms in the case countries and underline the scope of legislative gaps and overlaps in each of the countries concerned.

Chapter 6 will analyse the functioning of the mechanisms for the democratic management of the military and defence policy. I will argue that despite some indication of the progress in establishing the instruments for effective democratic management, such as strengthening and progressive civilianisation of the ministries of defence, enhancement of civilian defence expertise or a growing security community, democratic management remains the most underdeveloped sphere of the post-communist civil-military relations.

Chapter 7 will contain conclusions on the applicability of the stateness matrix to the study of civil – military relations in the post-communist countries. In that last chapter, I will reiterate the differing results of the post-communist reforms of the civil-military relations and explain the influence of the stateness problems on those varying outcomes of the civil-military transformations.

Throughout, I shall sustain the thesis that the theoretical framework established in Chapter 2 accounts for different transitional outcomes in the post-communist civil-military reforms in the individual states studied. Depending on circumstances, the stateness matrix can have either a beneficial or a harmful impact on civil-military relations and on the overall democratisation process in any of the post-communist states. Variations in the outcome of post-communist civil-military transitions to democracy may be explained by analysis of the interaction of restructuring, rules, effective democratic management and stateness, of which the last is the crucial variable.

CHAPTER 2

THE ANALYTICAL FRAMEWORK: THE STATENESS MATRIX

Analysis of civil-military relations under conditions of post-communist democratisation has generally been inadequate, as was established in the Introduction. The need to understand the communist legacy and the character of democratic consolidation is essential to proper consideration of the topic. Alas, this has not been forthcoming. As noted in the previous chapter, only one approach has reflected these needs, yet, even that approach did not explain why there had come to be such variety when all countries began their transition in the same place and were heading in the same direction, as far as this can be said. The key to offering such explanation, it was contended in the previous chapter, lies in what might be termed the stateness approach, that is, the integration of stateness as the crucial variable in a modification of the security and democracy analytical matrix used by Gow and Birch. It is the purpose of the present chapter to establish this distinctive framework through conceptual examination of stateness and its merging with analytical factors derived from the security and democracy approach. In essence, it answers the question: how can stateness be allied to the security and democracy model and applied to the study of Central and Eastern Europe? The final part of the chapter will deal with the selection of four 'case' countries, on which empirical study for the comparison is based. The earlier sections will explore stateness and its importance and, first of all, will revisit and expand interpretation of the imperatives identified by Gow and Birch, upon which the stateness matrix used in this study is founded.

Security and Democracy: the Imperatives of Transition

The comparative framework adapted in the present study is based on the identification of four imperatives for successful democratic transition in post-communist civil–military relations by Gow and Birch.[1] These imperatives included restructuring, rules, effective democratic management and democratic security policy communities. The present section will examine the security and democracy model more fully, identifying the strengths that make it a useful foundation for analysis, as well as the deficiencies that require amendment and addition.

The framework proposed by Gow and Birch had several important advantages that were decisive for choosing it as the base for the present study. First of all, the original framework took into account the inherent relationship between the reform of the post-communist civil-military relations and the general processes of democratic transition and consolidation in the post-communist states. Each of the original imperatives: restructuring, rules, effective democratic management and democratic security policy could be used for studying the civil-military transformations, but at the same time it was examining selected aspects of democratisation reforms of the overall state and measured the progress of democratic consolidation in the individual country. Secondly, the basic framework was devised in such a way that it presented democratic reforms of the military as a sequence of interconnected and mutually dependent undertakings. The authors underlined this aspect of their approach themselves, writing that

> These imperatives for a successful transition are inter-connected in a circular problematic: restructuring requires decisions; decisions require rules on how decisions are to be arrived at; for rules to be established

and procedures to be followed appropriately, the competent people and suitable structures for making them, following them and for checking on them need to be in place; and for all this to be effective, there must be the possibility of informed debate in society.[2]

At the same time, the stress put on the interconnected and interdependent structure of the problems brought the problem of the simultaneity of post-communist transformations to the fore. A successful implementation of any one imperative depended on the functioning of the remaining one but none of those prerequisites of the consolidated democracy was already in place in the post-communist conditions. Therefore, for the sake of the transitions all the reforms should have been introduced simultaneously and in a compressed period of time, which was both necessary and impossible to carry out. However, the circular character of the democratisation processes rendered the lack of any one element of the democratic order detrimental to the development of the remaining ones. That was creating the simultaneity dilemma for the post-communist reforms to which there was no easy solution. Simultaneous transitions of the political system, economy and civil – military relations had occurred previously in the states of Southern Europe[3] and Latin America[4] but none of them faced the challenge of political, social and economic restructuring on quite the same scale.

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[1] James Gow, Carole Birch, *Security and Democracy. Civil – Military Relations in Central and Eastern Europe* (London, The Centre for Defence Studies: Brasseys, September 1997), p. 10.

[2] Gow, Birch, *Security and Democracy*, pp. 10 – 11.

[3] For example Felipe Agüero, *Soldiers, Civilians and Democracy: Post-Franco Spain in Comparative Perspective* (Baltimore: John Hopkins University Press, 1995).

[4] For an overview of the civil-military problematique in the context of democratisation processes in Latin America see Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton, New Jersey: Princeton University Press, 1988).

Finally, the original framework advanced by Gow and Birch allowed us to identify the direction of the reforms in the case countries, to compare the progress made toward the establishment of democratic civil-military relations and toward the democratic consolidation of the states under study, to determine the main problems generated by the transitions and to discern the major differences in the results achieved. That framework, however, had one major shortage: while accounting for the differences, it did not attempt to explain them. For this reason, the framework has been modified here by adding stateness as the key variable.

For the purposes of my study, each imperative is broken into sub-variables that are used to compare the condition of the civil-military transformation in each of the case countries. However, in order to test the hypothesis regarding the impact of the stateness condition on the overall outcome of the democratisation, I have amended the original framework by merging their 'policy communities' under the imperative of effective democratic management of defence, while stateness is added. The issue of stateness is addressed below. Regarding the folding of policy communities into effective democratic management, there are three reasons to do this. The least of these is to maintain the relative simplicity and manageability of a four component theoretical model – it may be generally inferred that the more complex a theoretical model, the less useful and usable it will be. More importantly, the relative immaturity of democratisation in most post-communist countries means that the type of Western policy community introduced as a factor by Gow and Birch remains in the early stages of development. There is too little meaningful development of autonomous defence related elements in civil society to make sense of treating this aspect on a par with the other imperatives they identify. This is reinforced by the understanding, evident in the security and democracy approach, that policy

communities are in fact a part of the process by which effective democratic management of defence is effectuated in mature liberal democracies. For the present attempt to explain variable civil-military outcomes, it is a factor that might be used to manifest degrees of weakness across variable outcomes, rather than to explain them. This is why I have decided to compound policy communities and effective democratic management of defence.

The final framework for comparative and explanatory analysis, therefore, is based on four imperatives: stateness, rules, restructuring and effective democratic management. Each of these, as indicated, has sub-variable components. The first of these, stateness, incorporates the following aspects, each of which will be treated in the relevant substantive chapters: national identity and statehood traditions; the transitional opening of the communist regime;[5] polity–demos congruency, involving the nationality issues, territorial problems, cultural and linguistic issues, and citizenship,[6] and finally; a legitimacy assessment. Restructuring incorporates the following aspects: military tradition; de-politicisation, de-communisation, and re-nationalisation; new missions of the post-communist military; and issues of structural reform. The third imperative, rules: laws and procedures has three sub-components: the constitutional framework; military legislative regulation, and the division of prerogatives and responsibilities. Lastly, effective democratic management covers the following: the operation of the ministry of defence and the

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[5] The term 'transitional opening' was borrowed from the book by Guillermo O'Donnell, Phillippe C.Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions about Uncertain Democracies* (Baltimore and London: The John Hopkins University Press, 1993), pp. 17 – 19. The term refers to the reasons for launching a transition and circumstances of the breakdown of the non-democratic regime.

[6] To some extent, there are echoes here of the model for nationhood identified by George Schöpflin, in which nationhood is the product of ethnicity, civic qualities and statehood. See George Schöpflin, *Nations, Identity and Power* (London: C. Hurst and Co., 2000).

general staff, advisory bodies, and parliamentary committees; the dynamic interaction of civilian and military expertise; and finally, the aspect of the Gow and Birch model subsumed here, security policy communities in civil society.

The rest of the chapter will be devoted to describing the different imperatives included in the framework. The later – and greater – parts of the chapter are devoted to the new imperative being added to the framework, the concept of stateness, which will be laid out, as will the relationship between the condition of stateness, democratic consolidation and civil-military transformation in any state. The importance of the sub-variables singled out for the task of measuring the degree of the stateness problem will be reiterated in the course of this analysis. Before this, however, the next section will give expanded consideration to the three imperatives derived from the security and democracy model outlined by Gow and Birch – restructuring, rules and effective democratic management, each of them set within the theory of democratic consolidation.

Restructuring, Rules and Effective Democratic Management

The communist regimes left the institutional and cultural heritage incompatible with the democratic systems and inhibiting the democratic civilian control of the military. The post-communist conditions featured extensive politicisation of all spheres of public life, low institutionalisation of the policy making process, weakness of autonomous institutions and civil society, and in the military the formal party presence in the army, the offensive organisation and capacities of the military, and the legacy of the subordination of the national militaries to the Soviet command within the framework of the Warsaw pact that

cause the deliberate underdevelopment of the national capacities for strategic planning and resulted in the absence of individual defence doctrines.

These traits of the communist legacy dictated the course of post-communist civil-military reforms. Within the armed forces, the party cells had to be removed from the military, the direct link between the political organisation and the army had to be severed and the military required transformation into a national army, both in terms of symbolic appearance and defence capacities. However, dealing with the communist legacy inevitably involved the issues of judging the army involvement in communist politics and eventual punishment. It presented the authorities with the difficult dilemma: given the high rates of the party membership in the officer corps and the past engagement in the communist regime in each of the case countries, the military should undergo a detailed screening process, if only for the safety of the transitions. However, an introduction of the drastic lustration laws was likely to undermine the cohesiveness of the armed forces, lower its combat readiness and install distrust of the civilian incumbents in charge of the army affairs. In extreme cases, it could even provoke a violent reaction in the armed forces. Moreover, it was difficult to set the criteria for the screening, as the party membership in the communist armies was practically obligatory and spoke nothing of the real character of the individual's views and activities. Yet, the resignation from the de-communisation process also carried potential threats and disadvantages. Leaving the officer corps intact preserved the communist structures and cadres, and maintained the image of the army as a communist body that survived all the transformation processes unchanged. Moreover. the preservation of the military structures would likely reinforce the autonomous tendencies in the officer corps and thus delay the structural reforms of the army. It appeared that the approach adopted by the

individual countries at least partly depended on its military traditions. Where the military were traditionally perceived as the national institution and enjoyed social prestige, the screening process was moderate or none; where the military was held in a very low esteem and seen as the mainstay of the communist regime in the past, as was the case in the Czech Republic, the screening procedures were harsh.

The dissolution of the Warsaw Pact in 1991 and fast changes in the geopolitical environment surrounding the post-communist countries caused them to redefine their security interests and confronted them with the necessity of creating a national defence policy. Devising the national security policies involved the need to redefine the mission of the military, but both processes were difficult due to the lack of experience with strategic planning, but also due to the uncertain political situation, both in terms of internal and external developments. Yet, although none of the post-communist countries proved capable of drafting more than temporary defence doctrines, in each of them the military were withdrawn from internal politics and their fundamental mission was redirected towards national defence. That was a crucial step for the safety of the consolidation processes, and also opened the restructuring of the military into a defensive force, compatible with democratic standards.

In the present study, only selected issues of the structural reform of the post-communist military were analysed. This is because the structural reform of the army was conditioned by a number of factors that could not be accounted for in this study, if only for the lack of space. It involved problems of the budget resources, procurement policy decisions, individual defence capacities and finally the influence of NATO enlargement process. Moreover, the technical details of the structural military reform did not have a direct impact on the processes of consolidation in any

of the case countries, although they were naturally relevant for the civil-military relations on the whole. Therefore, in this study I have only emphasised issues related to the cadres and management and control organisations, as they seemed most important from the point of view of civil-military transformation in the countries concerned. Failure to reform the communist military structures in the long run would inevitably cause problems, if the political and social systems of the post-communist states were thoroughly reformed and democratised; and in that sense the structural reform of the military was closely related to the democratic consolidation.

A particularly close connection between democratic consolidation and the civil-military transformation was visible in the process of creating the framework of rules and procedures. Putting the legislative framework in place was a necessary pre-condition for a change of the political system in the post-communist states; however, its importance was further reaching than that. In democratic systems, the legal and procedural rules constitute the basis for decision-making processes; therefore, as long as such a framework was not prepared in the post-communist countries, the decision-making processes were still governed by the communist rules.

The making of the post-communist constitutions appeared the most urgent task for the post-communist polities and some of the countries, such as the Czech Republic or Lithuania, indeed adopted their constitutional frameworks quickly and efficiently. However, the major problem of the constitution making processes was that it involved the distribution of powers and in some countries agreement on the delineation of powers appeared impossible to be reached. The solution adopted in the case of Poland and Ukraine was to adopt an interim basic law. Such a solution, however, proved to be detrimental to the processes of democratisation. It delayed

the moment of permanent regulation of the power relations inside the post-communist polity, and so the situation of interim political rules encouraged competition between the main political actors, hoping to achieve greater prerogatives before the final constitutional act is adopted.

Interim constitutions not only fuelled political struggles and negatively affected the institutionalisation of post-communist politics, but also delayed the elaboration of the lower order legislative system, which was equally needed. Normally, the laws should ensue from the constitutional norms and regulations, therefore the lack of fundamental laws stalled some other reforms, particularly in the military. The unresolved questions of the supreme executive authority and the subordination of the highest military commanders had a disruptive impact on military legislative reform in many post-communist countries. However, a lack of constitutional regulations was not the only problems that delayed legal reforms. The post-communist legislatures were inefficient institutions, very much burdened by the legacy of the communist system where it was merely a rubber stamp to decisions taken elsewhere. Evolution of the parliaments from weak and fragmented organisations to autonomous institutions that were capable of asserting a due degree of political leverage and managing legislative procedures, was a lengthy process and the one that was also part of the democratic consolidation. Finally, insufficient progress of military legal reforms in the post-communist countries should also be attributed to the absence of political directives and generally low priority given to the legislative regulations on the situation of the armed forces. Here the simultaneity factor became important – having so many legislative reforms to carry out, the post-communist governments limited themselves to dealing with the most pressing issues

only. Consequently, once the basic rules for the military's existence and functioning were put in place, the authorities took to other, more pressing reforms.

Conflicts between the main political actors over the division of executive powers were a characteristic feature of the post-communist political transformations. The executive struggles had a direct and negative impact on the military and in some instances, they brought the democratisation processes dangerously close to collapse. In most instances, the struggle involved the divisions of prerogatives in the military and defence politics, and the inability of achieving consensus on those issues was detrimental to civil-military relations. Clear division of powers and responsibilities was one of the basic imperatives necessary for the successful introduction of the democratic civilian control of the military. However, the combined effect of temporary or imprecise constitutional regulations, incomplete legal frameworks for the military and political struggles had the effect of distorting the civil-military transformation. The problems emerging in the process of distributing powers over the military were in particular visible in the processes of regulating the scope of prerogatives and responsibilities of the ministers of defence versus the General Staffs. The reform of those two institutions required a radical departure from the communist model of civil-military relations. The review of the case countries showed that the weaker the military emerged from the communist regime, the easier was the process of redefining the relations between the MOD and the General Staffs. The successful completion of the legal division of powers in those two institutions was crucial for the prospective democratisation of civil-military relations and the post-communist political systems. But, the process of the legal division of responsibilities for military management and control also involved the most serious threat to the process of legal military reforms, that is the politicisation of the

military. In some instances, the political actors involved in the struggles surrounding power distribution created opportunities for the military to become involved in the current politics. If that process was stopped with the successful introduction of the necessary regulations, then the democratisation processes could be continued, as was the case in Poland. However, failure to stop the military from developing close relationship with the political actors and exerting influence on politics, as took place in Ukraine, meant that the democratic consolidation would not be possible in that country.

The connection between the civil-military transformation and the overall process of democratic consolidation of the post-communist states is particularly evident in what concerns the effective democratic management of the military. Managing the military effectively and in a democratic manner requires all democratic institutions to be put in place and functioning. To this end, the post-communist ministries of defence must be restructured and civilianised and their position strengthened in relation to the militarised general staffs. The activities of the civilian ministers must be well integrated into the executive chain of powers that would leave no doubts as to the division of duties and responsibilities within the government framework. This way, the ministry of defence would be able to play the role of 'double agent' typical democratic management of the military, that is representing the military to the government and mediating the policy issues with the Prime Ministers on behalf of the armed forces; and at the same time implementing the executive policy in the military and defence sector. Finally, the mechanisms of democratic management would not be complete without effective parliamentary control, which for the most part is executed by the appropriate parliamentary committees. The efficiency of the parliamentary control of the military is based on

the intricate network of connections between the legislature and the various government bodies, as well as on the willingness of the military in charge to co-operate with the parliamentarians.

However, the issues of democratic management cannot be confined to the problems of organisation of the ministries of defence, parliaments or other government bodies for this matter. Their effective functioning requires an underpinning of the broader security community, which represents a society of academics; journalists and individuals from the non-governmental organisations that would be knowledgeable and interested enough in defence and military matters to hold the proper government agencies accountable to the public. The right to participate and control the political processes is part of the very definition of the democratic citizenship; however, only an organised civic society can make full use of citizenship rights in democratic systems. A robust civil society has a capacity to monitor the government and to generate policy alternatives. However, in order to be able to do it, the individuals associated in the non-governmental organisation must be able to have enough access to the information to carry out an informed political debate.[7] Thus, fostering the development of the dynamic security communities that can be regarded as part of the civic society interested in defence and military matters is crucial for ensuring the consolidation of the democratic control of the military in the post-communist countries. Moreover, an informed public debate could be helpful for determining the security interests and foreign policy objectives in the post-communist states where civil-military transformations are hindered by stateness problems, which in turn could boost the legitimacy of the government and its politics.

Unfortunately, the post-communist conditions prevented the emergence of a robust civil society where it was most needed. They also invalidated those mechanisms in the political systems that enabled the effective democratic management of the military. The low degree of institutionalisation of politics is one reason for which democratic management cannot yet be fully effective in the post-communist countries. The survey of the reorganisation processes in the post-communist ministries of defence and the problems related to the empowerment of the civilian ministers towards the military chiefs of general staff in the case countries illustrate the difficulties of putting the framework for proper democratic management of the military in place.

The incomplete framework of laws and procedures was yet another persistent problem of civil-military relations in all of the case countries, depriving the institutions managing the military of legal foundations. However, the creation of fundamental constitutional and parliamentary laws was not enough for the successful development of the management mechanisms. In this case, the detailed regulations, such as statutes of the Ministries of Defence played an important role, and they were either neglected in the course of restructuring reforms or it proved difficult to work out agreement on their contents. The gaps in the legal system provoked yet another problem of overpowered political bodies managing civil-military relations without sufficient constitutions and legal prerogatives for their activities. As a rule, the considerable political leverage of those bodies would ensue from a personal connection with the head of the executive. If the political system of the country had not been democratised enough to check the growing power of the 'advisory' bodies in military and defence matters, then their activities were likely to

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[7] Jean Cohen, Andrew Arato, *Civil Society and Political Theory* (Cambridge: MIT Press, 1992), pp.

be a hindrance for the institutionalisation of democratic management and could even threaten the consolidation of democracy.

Stateness and Democratic Consolidation

After the collapse of the communist systems, the post-communist polities became exposed to a problem of redefining their collective identities, in many instances within the boundaries of the new state. As was earlier asserted, the existence of democracy is predicated on the presence of a viable nation-state. While the studies of earlier democratic transitions did not investigate the intrinsic relationship between democracy and the state because the nation-states were well established and somehow obvious entities, the viability of the post-communist states undergoing transition could not be taken for granted that easily. Therefore, in most post-communist countries, in addition to the usual democratising reforms, an additional task had to be undertaken of defining the national identity and its relation to the particular statehood. Because of that particular stateness dimension of the post-communist transitions, the processes in Central Eastern Europe had to be analysed with the use of conceptual means which had not been utilised in the case of other transitions to democracy and which comprise such issues of territorial boundaries, concepts of citizenship, congruity between the populations and the state, and finally, the legitimacy of the state. The processes of nation-building and state-building that were taking place simultaneously with the reforms of the political systems make the post-communist transitions unique and preclude a simple imitation of any previous models of democratisation.[8]

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29 – 82.

[8] Claus Offe, *Varieties of Transition. The East European and East German Experience* (Cambridge and Oxford: Polity Press in association with Blackwell Publishers Ltd., 1996), pp. 31- 35.

The problems related to the intrinsic relationship between the quality of statehood, its collective identity and legitimacy and the impact of this problematique on the processes of democratisation are relatively new issues in the literature on democratic transitions. The field started being investigated only after the break-up of the Soviet Union and the rapid emergence of a number of new entities, many of which were nation-states only by name. The territorial, political and psychological uncertainty surrounding those new beings, and the largely incidental national composition of many of them brought to the fore the problems of their dubious ability to establish themselves as viable nation-states and the troubles with gaining sufficient legitimacy to be able to exercise their state prerogatives.[9]

The term 'stateness' was borrowed from the book by Linz and Stepan who described the stateness problem as a situation in which 'there are profound differences about the territorial boundaries of the political community's state and profound differences as to who has the right of citizenship in that state'. They also noted that in some countries the stateness problem might be so profound that democracy was impossible to establish until it was resolved.[10] It is because 'if a significant group of people does not accept claims on its obedience as legitimate, because people do not want to be part of the political unit....this presents a serious problem for democratic transition and even more serious problem for democratic

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[9] See for example: Ian Bremmer, Ray Taras, *New States, New Politics: Building the Post-Soviet Nations* (Cambridge: Cambridge University Press, 1997); Graham Smith, Vivien Law, Andrew Wilson, Anette Bohr, Edward Alworth, *Nation-Building in the Post-Soviet Borderlands - the Politics of National Identities* (Cambridge: Cambridge University Press, 1998); Cherles King and Neil J.Melvin, 'Diaspora Politics: Ethnic Linkages, Foreign Policy and Security in Euroasia' and Ronald Grigor Suny, 'Provisional Stabilities: The Politics of Identities in Post-Soviet Euroasia', both articles in *International Security,* Vol. 24, No.3 (Winter 1999/2000), pp. 108 – 138 & 139 – 178 respectively.

[10] Juan J.Linz, Alfred Stepan, *Problems of Democratic Transition and Consolidation. Southern Europe, South America and Post-Communist Europe* (Baltimore & London: 1996), p. 16.

consolidation'.[11] Thus, a successful consolidation of democracy in any nation-state would be at least partly dependent on the legitimacy of that state.

The authors admitted that the concept of stateness was as yet fluid and under-theorised. In this study the stateness variable was broadly defined as a 'quality of statehood', determined by the quality of relationship between the state and the nation within a given nation-state formula. Seen in that context, the stateness variable remains relevant for all the modern nation-states, and not limited to the newly established polities. If a concept of a 'nation' is inclusive enough to prevent a significant portion of the population to develop a sense of 'otherness' in their community, and if the people generally perceive its state as a legitimate entity and on the basic level accept the mode of governance, then its stateness is strong and consolidated. However, if there is no agreement on the concept of the nation or the citizenship criteria are exclusionary, and the state lacks a basic legitimacy in the eyes of the citizens, then its ability to exercise its government functions is undermined and the stateness problem occurs.

A major question was how to measure the degree of stateness problem, since the criteria were vague and subjective. For the purpose at hand, I accepted the proposal by Linz and Stepan that the greater the congruency between the polity and the demos, the better the chances for success of a simultaneous building of nation-state and democracy.[12] For measuring the congruence between the policy and the demos, such variables were used as nationality situation, citizenship, territorial, cultural and linguistic issues. The examination of the stateness in each case study was completed with general overview of its state tradition and the circumstances of the transitional opening.

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[11] Linz and Stepan, *Problems of Democratic*, p.27.

How people in a given state define the 'nation' and grant citizenship rights is crucial for the determination of the stateness condition. Such a definition essentially answers the questions of who are 'we' and who are 'they' and denotes collective identity.[13] Understandably, an inclusive formula of a nation fosters the legitimacy of the state and strengthens its stateness. The problem arises when national or ethnic identity is predicated on a form of imagined community that reifies the importance of national or ethnic boundaries to the detriment of the wider political community'.[14] A narrow, ethnic-based, exclusionary definition of the citizenship would then be a confirmation of the stateness problem of the country and would have an inevitably detrimental impact on the democratisation process.[15]

Historically, Eastern Europe was particularly prone to the develop of the stateness problem. While in Western Europe the emergence of the nation-states was facilitated by the relative national homogeneity in the 18th and 19th centuries, in Eastern Europe nation and state were rarely concomitant. Eastern European nationalism grew without the state and often in protest against the existing state, hence out of necessity was based on ethnic identities. As a result, the two definitions of the 'nation' in Western European states: as a population within the territorial boundaries of the state and as a political community based on ethnic identity, were

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[12] Linz and Stepan, *Problems of Democratic*, p. 25.

[13] Offe, *Varieties,* p. 32.

[14] Smith, Law, Wilson et al., *Nation-Building,* p. 1.

[15] On the analysis of citizenship issues in the post-communist context, see Graham Smith, Aadne Aasland, Richard Mole, 'Statehood, Ethnic Relations and Citizenship', in Graham Smith (ed.), *The Baltic States. The National Self-determination of Estonia, Latvia and Lithuania* (London: Macmillan Press Ltd., 1994), pp. 181 – 183.

complementary.[16] In Eastern Europe, due to the national heterogeneity of the states, the logic of those two definitions was contradictory in most cases. The interaction of the 'nation' and the 'state' was historically conflict – prone and so the probability that in the aftermath of the collapse of communism various ethnic groups would pursue their interests to the detriment of the wider political community was very high.[17] Thus, the entire post-communist region is prone to the stateness problem and in most extreme cases, an elaboration of the legitimate nation-state formula may turn out to be impossible. Because the institutions of a state cannot function properly in an environment where its existence and rights are not accepted therefore it is possible that in some post-communist states, the logic of nation building may be contradictory to state-building and democratisation.

The Stateness Variable and Civil–Military Relations

While the question of stateness, though without using the term, was investigated by many authors in the general context of post-communist transitions to democracy, none of the authors explicitly linked the issues of stateness to the transformations of post-communist civil–military relations. This was also a major shortcoming of the analytical framework designed by Gow and Birch.

It was already established that there exists an inherent relation of dependency 1) between an existence of the state and the democracy, 2) between a consolidated stateness and a democratic state and 3) between a consolidated democracy and democratic civil - military relations. These three conditions form an interdependent

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[16] James Gow, 'Nation, States, and Sovereignty: Meanings and Challenges in Post-Cold War International Security', in Christopher Dandeker (ed.), *Nationalism and Violence* (New Brunswick and London: Transaction Publishers, 1998), p. 180.

circle from which a relation between the stateness and the civil-military relations resulted. The civil-military problematique is linked to the stateness variable on three levels:

1. Relation of the stateness problem to the issues of identity and legitimacy.
2. Impact of the stateness condition on the functioning of the state institutions and executive politics, which are always embedded in the collective identity of the state
3. Dependence of democratic consolidation processes on the consolidation of stateness.

These three conditions also form an interdependent circle. Although the legitimacy of the military is not a simple function of the state's legitimacy, nevertheless without defining a collective identity of the state and establishing its legitimacy, the military will be unable to define its own identity or acquire *democratic* legitimacy. Additionally, depending on the state of the civil-military relations and the legitimacy of the armed forces, a situation of weak regime legitimacy may either create conditions conducive to military involvement in politics or prompt the civilian authorities to use the military as a state legitimating factor.[18] Furthermore, identity/legitimacy problems would inevitably undermine the capability of the state authorities to define the place and mission of the national military. For the same reasons, it would be difficult to satisfactorily determine the

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[17] Stephan Iwan Griffiths, *Nationalism and Ethnic Conflict. Threats to European Security.* SIPRI Research Report No 5, (Stockholm and Oxford: Oxford University Press, 1993), pp. 12 – 14.

[18] For a theoretical overview of the problems related to the legitimacy and civil - military relations, see James Gow, *Legitimacy and the Military. The Yugoslav Crisis* (London: Pinter Publishers, 1992), pp. 9 – 21 & 26 - 31.

state's security interests and formulate a defence doctrine for a country if that country suffers from the stateness problem.[19]

The overcoming of the stateness crisis of identity is crucial for the organisation of 'normal' executive politics, that is forming the institutional framework and subsequently making it work. The functioning of the government, and particularly of a democratic government, is always embedded in the identity of the nation-state and is dependent on the legitimacy of the regime.[20] One of the problems that may occur if the institutions of the state are weak, is that the state cannot exercise its functions, such as keeping the monopoly of the use of force and controlling the military and other armed formations. Failure to manage and control the military effectively, ensuing from the stateness problems, would inhibit the establishment of democratic civil - military relations and consequently hinder processes of democratic consolidation, thus closing the vicious circle of interdependent developments.

In the case of post-communist transitions the stateness problems stood out as important characteristics of democratic transformation, capable of fostering or hindering democratisation processes. On most occasions, however, the analysis of stateness related problems were restricted to the post-Soviet states, whereas such issues as conversion of the collective identity, resurgent enthnonationalism, or difficulties in redefining the policy interests and perspectives were experienced by most post-communist states. It would also be wrong to assume that the extent of the stateness problem was similar for all the post-Soviet states. The simple comparison between the case of Lithuania and Ukraine showed that even though both countries experienced Soviet rule, their different pre-communist histories and unequal length

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[19] Suny, 'Provisional Stabilities', pp. 143 – 144.

of time that the Soviet regime ruled in either of the countries gave Lithuania a number of advantages over Ukraine in the course of democratisation.

One of the most important sub-variables on which the post-communist states differed was the tradition of statehood. Here the differences were evident not only between the countries of Central Eastern Europe, but also among the post-Soviet entities. From the countries selected for the present study, Poland had the longest standing statehood tradition, the roots of the Czech Republic and Lithuania reached back to medieval times, while Ukraine hardly had any 'usable' past as a state. The issue of statehood was closely related to the national identities which were linked to the concept of statehood but, owing to the complicated history of the Central Eastern European region, it often developed without the existing statehood. In a clear contrast to Western Europe, the national consciousness in today's post-communist region often formed in reaction to the loss of the statehood and under the circumstances where the actual state was perceived as an alien and oppressive power by the indigenous population. In this respect, the years of communist rule only deepened the already existing distrust of the population towards the institutions and representatives of the state. Yet, where present, the latent desire for its own, sovereign nation-state was a strong incentive for the initiation of the transitional processes and assured the strong legitimacy of the post-communist entities, whereas the ambiguous collective identity and considerable ethnonational division of the indigenous populations complicated the formulation of the goals of transition and could hinder the transformation to the point of collapse. Moreoveor, in the absence of viable state traditions, the politics of nation-building and state-building were in

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[20] Offe, *Varieties*, pp. 32 – 33.

the constant need of self-justification and liable to critique from the groups of people who did not perceive that particular nation-state as desirable or legitimate.

Another important feature characterising the stateness condition was the mode of the transitional opening. In any of the case countries it was an important factor in shaping the future processes of democratisation. Its particular context depended on the history of the state, both recent and more remote, and reflected the internal configuration of the forces and their determination to carry out the changes or to resist them. The context of opening of the communist regimes both outside and inside the Soviet Union revealed the correlation between the strength of the popular opposition to the regime and the strong or weak opening. By the 'strong' opening I understand such an act of opening the communist regime that was clearly identifiable in time and was marked by enforcing the communist regime to grant concessions under pressure from the opposition. Such an opening took place in Poland, where first the regime was forced to negotiate with the organised opposition, and later the agreement concluded at the Round Table was undermined by the results of the elections which were part of the settlements. A similarly strong opening was witnessed in Lithuania, where the popular resistance of the population in the Lithuanian Republic defeated the blockade imposed by Gorbachev and forced him to withdraw from the republic. On the contrary, the two remaining countries, (then) Czechoslovakia and Ukraine had very weak openings that were difficult to identify in time and place and that owed more to the snowballing effect than to the internal dynamics of the political process. The crucial difference lay in the strength of the national motivation for resisting the communist rule, and for this reason the problems of the transitional openings were included in the stateness section.

Finally, the end of the communist regimes forced all the post-communist states to redefine their identity, place on the international arena and interests in the changed political and security environment. If the post-communist state was a continuation of the communist polity, then these questions were easier to answer and in the process of answering them the authorities often related to the pre-communist traditions. Poland was the example of such a 'fortunate' case of the sustained nation-state. The situation was much more complicated if the identity of the new state was uncertain and its statehood and national traditions non-usable for this end. Under such circumstances, a plethora of additional problems was encountered in the countries undergoing transition, relating to the definitions of territory, citizenship, collective identity of the 'nation' and the necessity of state legitimisation. Ukraine is the extreme example of the stateness problems, yet to some extent they were present in all the countries where the continuity of the statehood and national traditions was broken.

Thus, the relation of stateness to the democratisation processes is visible in a number of cases. In the extreme case, the stateness problems may inhibit democratic transitions because of the impossibility of consolidating the state. But the problem of stateness may affect civil-military transformations indirectly. Weak stateness means weak identity, both for the state and for the military. An impossibility of defining its identity may destabilise the military, but can also force the armed forces to become part of the nation-and state-building processes, which should not be their function in a democratic system. Moreover, the vogue identity of the nation-state makes it impossible to define its security interests, that is the post-communist defence doctrines and security policy, as well as the mission of the military, causing further identity problems for the army and for the civil-military relations. Finally, the

effective functioning of state institutions is embedded in its collective identity and legitimacy; weak legitimacy and identity lower the quality of the state governance and disrupt the processes of democratisation. The stateness variable is not a causal factor in transitions, however, depending on the circumstances, it can either foster the democratic transformation of civil - military relations or impede it.

Applying the Framework: Case Selection for Integrated Comparison

Having established the elements of a comparative and explanatory framework, there remains the issue of selecting country cases that may be compared using this framework and a decision on how, in practice, to compare them. The final section to this chapter will briefly indicate the methodological approach taken over these issues. Most of the attention concerns the case countries themselves. Before giving consideration to the selection of cases, however, it is necessary to explain the decision to use an integrated comparative methodology over a standard case study approach.

In a standard case study approach, once selected, the cases would be treated in parallel. Each substantive chapter would treat a particular case, applying the elements in the analytical approach consistently in each case. Thus, given the model established in the earlier parts of this chapter, each chapter might be expected to have an introductory description on the case itself, followed by sections on each of the imperatives – that is, one on stateness, one on restructuring, one on rules and one on effective democratic management. The real comparison would then be carried out, usually on a limited basis, in a later, separate chapter.

This approach was considered at earlier stages of the research for this project and originally standard case study chapters were written. However, having done this,

it became clear that the more ambitious, but more satisfying, methodology of integrated comparison would be both desirable and feasible. The standard case study approach leaves the real point of analytical interest stretched over a number of chapters and compressed into the later stages of the study. In general, the quality of material and analysis is higher where an integrated approach is available and used.

In the integrated comparative approach, the comparative and explanatory elements provide the structure for the analysis. In this case, the empirical material derived from the cases used in directly proximate and comparable fashion. Thus, on each point, direct comparison is available throughout the whole study. The theoretical framework is used to transect the substantive material in a synthetic manner that permits the theoretical argument as a whole to me made directly, rather than as an awkward adjunct to discrete empirical case studies.

Whichever of the foregoing approaches is adopted, it is still necessary to select cases that are capable of being investigated by the theoretical approach used and, at the same time, will allow the theory to be tested in a satisfactory way. This requires selection of cases according both to basic common criteria of qualification – in this case post-communist countries – as well as criteria that offer sufficient differential points for useful comparison. In the present study, four post-communist countries have been selected: Poland, Czech Republic, Ukraine and Lithuania. The selection is based upon the type and position of the military in the post-communist state structures of each case study. Together, the four countries covered the entire spectrum of possible civil-military relationships in the post-communist environment. Poland inherited an army that went though the transitional opening essentially intact; the Czech armed forces were formed on the basis of the former Czechoslovak federal army but retained their command and control facilities; Ukraine acquired its

army through 'nationalisation' of the large chunk of the Soviet Armed Forces; and finally Lithuania attempted to built the national army from scratch.

Even a preliminary assessment of the democratic transformations in each of the selected case countries reveals significant differences in the character of civil-military relations. When Poland and the Czech Republic were granted membership of NATO in March 1999, Lithuania was still consolidating its state and democracy on the way to meeting NATO standards, but Ukraine lagged far behind, with a system that was closer to an authoritarian regime than to democracy.

Beyond the purely military dimension, the 1999 accession of Poland, the Czech Republic and Hungary to NATO was the first spectacular act of international recognition of success that the three post-communist countries had achieved in the process of democratic transformation of civil-military relations. At the same time, the selective mode of admission underlined the fact that the post-communist countries were making varying progress in democratic transition and consolidation and that the democratising reforms, their implementation, pace and outlook feature dramatic differences between the individual countries of Central Eastern Europe. Based on an integrated comparison of the civil-military transformations in the four case countries, the present study identifies the key factor that has had a decisive influence on those diverging outcomes of the post-communist reforms: stateness.

This chapter has taken the security and democracy model for comparing democratic civil-military transitions in Central and Eastern Europe and both adapted it and augmented it in crucial ways that permit not only comparison, but also explanation. The important new aspect of analysis is the concept of stateness. This adds explanatory capacity to the modified security and democracy model. As has

been argued, the integration of stateness in the analysis creates an original and distinctive contribution to the study of post-communist civil-military relations and to the study of both civil-military relations and democratisation, more generally. The distinctive conceptual framework incorporating stateness and the three imperatives of restructuring, rules and effective democratic management offers both comparison and explanation of varied civil-military outcomes. Stateness complements the security and democracy model in a way that lets theory transect empirical material to provide an overall synthesis of comparison and explanation for the four countries selected. The countries themselves have been selected both for common features and for the spread of sub-types of civil-military relationships that they offer. Thus, they provide a cross-section of common and yet assorted empirical material. Taken together, the cases selected and the analytical framework established offer a complementary package from which knowledge and understanding can be derived and inserted: the cases can be investigated, while the theory can be tested. That thesis, as indicated earlier, is that civil-military relations in post-communist countries can be compared and explained by the stateness matrix, with stateness the salient and explanatory variable among a set of four imperatives. The remainder of this thesis deals with each of those imperatives in a separate chapter – restructuring, rules, democratic management and, first of all, in the next chapter, the key quality itself, stateness.

Chapter 3

STATENESS

Studying the stateness condition in the four post-communist countries reveals the full extent of their differentiation. Although the years of communist rule left a similar legacy for each of them, the fact was that the end of the totalitarian regimes found each of the case countries at a different stage of their nation-building and state-building processes. Poland and Ukraine are at the two extremes, the former being an example of consolidated stateness and sustained statehood, the latter presenting the case of an extremely weak nation-state, suffering from a number of stateness related problems. However, the stateness related problems were not limited to entities emerging from the Soviet Union; the collapse of the regimes also exposed some stateness problems in the countries of Central Eastern Europe that had previously been 'frozen' in the party-states. The comparison of the four case countries not only reveals the extent to which they differ on the stateness variable but also indicates that there may be various degrees to the stateness problem and that it is by no means limited to the new states.

National Identity and Statehood Traditions.

The tradition of statehood can be measured by the longevity of an historically confirmed existence of the state, but also by the strength of the popular myths of the past and the extent to which the population inhabiting the territory of the country recognise that state as its own. Much more difficult to measure is the national identity of the population as it may rest only on the subjective feeling of the

population. However, the relationship between the state and its population is a crucial factor determining the collective identity of any nation-state and consequently its condition of stateness. Historically, the nation-states were a relatively recent phenomenon in Central Eastern Europe, and in many cases the bonds between the nation and the state were not properly established. The communist regimes were one of the factors that arrested the nation and state-building processes in the region. As a result, the countries that emerged as a result of the communist demise featured various stages of consolidation, from considerable homogeneity between the national identity and the state to a dangerous mismatch between the two.

In this regard, the situation of Poland at the onset of the transition was favourable. The history of the Polish statehood dated back to 966 when the country adopted Christianity and entered the period of state organisation under the rule of the first indigenous dynasty of Piasts. Gradually, the Polish state developed into a medieval European power and in 1569 formed a union with Lithuania to establish the Polish – Lithuanian Commonwealth (Rzeczpospolita). The union state, powerful at first, gradually weakened and began showing signs of internal decay. Despite a major effort undertaken during the sitting of the so called Great Sejm (parliament) between 1788 – 1792 to reform the Polish state, in 1795 following two earlier partial annexations of its lands the Polish – Lithuanian Commonwealth was partitioned between Russia, Austria and Prussia and ceased to exist.[1]

The years of Polish statelessness between 1795 and 1918 represented a formative period for the Polish national consciousness. The cyclical national

uprisings, the biggest two of which took place in 1831-32 and 1863-64, were the foundations for the great romantic tradition of heroic independence struggles. As Linz and Stepan noted, 'the Polish people's support for the nation was one of the most emotionally and historically intense in Europe'.[2] The heroic tradition of armed struggle and national sacrifice became again evident during the years of German occupation during the Second World War in the formation and activities of *Armia Krajowa* (Home Army), the biggest underground organisation in wartime Europe. This traumatic history formed the Polish national consciousness into a 'highly individualistic and anti-authoritarian' type of identity, although it was not entirely free from dictatorial inclinations.[3]

Poland achieved full independence in 1918 and became a multinational and multicultural entity. After a short period of parliamentary democracy during which the country experienced profound political instability, a successful military coup established the presidential system, featuring strong authoritarian elements. At the end of World War II Poland was formally part of the victorious alliance, yet the occupation by Soviet armed forces lead to the installation of a totalitarian regime in Poland. However, as a result of the post-war European settlements Poland gained one important asset: it became a territorially compressed, ethnically homogenous and culturally uniform nation-state.[4]

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[1] For the historical review of the Commonwealth see Norman Davies, *God's Playground: A History of Poland* (New York: Columbia University Press, 1984).

[2] Juan J.Linz, Alfred Stepan, *Problems of Democratic Transition and Consolidation. Southern Europe, South America and Post-Communist Europe* (Baltimore & London: 1996), p. 258.

[3] Teresa Rakowska-Harmstone, Christopher D.Jones, Ivan Sylvain, *Warsaw Pact: The Question of Cohesion* (ORAE Extra-Mural Paper No 33, Ottawa: Department of National Defence, vol. I and II, 1981, 1984), p. 175.

[4] Krystyna Kersten, *Narodziny systemu władzy. Polska 1943 – 48. (Birth of the Regime. Poland 1943 – 48)* (Paris: Libella, 1984), in Polish.

The subsequent years of communist rule, although disastrous from the point of view of civilisational development, strengthened the identity of the Polish nation–state. Moreover, the recurrent popular anti-regime protests (1956, 1968, 1970, 1976, 1980 to indicate just the most important ones) and the self-organisation of Polish society demonstrated in the success of the Solidarity movement[5] unified the Polish people around a common goal which, subsequently, gave a strong legitimacy to the post-communist state and its incumbents.[6] Judged by the condition of stateness, Poland was well predisposed for a quick and effective transition and consolidation of democracy.

The issues of nation-state identity were more complicated for the Czech Republic, although the Czech traditions of statehood also went back many centuries to the Great Moravian Empire that was consolidated in the thirteenth century by the indigenous Premyslid dynasty.[7] The high levels of political, economic and cultural development of that medieval kingdom, particularly under the rule of Charles IV, was always a source of Czech national pride and provided the origins of Czech historical awareness. The foundation of the University of Prague in 1348 as one of the first in contemporary Europe as well as the indigenous reform movement of Jan Hus till this day represent the most important symbols of Czech identity and traditions.[8]

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[5] Timothy Garton Ash, *The Polish Revolution: Solidarity* (London: Granta in association with Penguin, 1991).

[6] Wojciech Roszkowski, *Historia Polski 1914 – 1990* (Warszawa: Wydawnictwo Naukowe PWN, 1991), p. 417.

[7] Andrew A.Michta, *The Government and Politics of Postcommunist Europe* (Westpoint, Connecticut & London: Praeger, 1994), pp. 29 - 30.

[8] Miroslav Purkrábek, 'Legitimita a podpora branné politiky jako realizátora veřejného zájmu', in Štefan Sarvaš a kolektiv výzkumného týmu, *Bezpečnost a armáda v moderní společnosti* (Security

With the death of the king Charles IV a gradual decline of the kingdom began. The Thirty Years' War brought the Great Moravian kingdom to the final collapse and the Czech lands became incorporated into the Habsburg empire for several hundred years. The Battle of the White Mountain (Bilá hora) in 1620 was the final act of resistance. The majority of the Czech protestant nobility perished in the battle, and in the aftermath of their defeat the remaining Czech nobility were expropriated and exiled by the Habsburg authorities, while the population at large was subjected to cultural germanisation and forced religious conversion to Catholicism. The Battle of the White Mountain became a symbol of the loss of independence and the national trauma associated with the dramatic events remained deeply embedded in the national Czech consciousness. The defeat at the White Mountain gave rise to the persistent Czech myth on the impossibility of successful national resistance to foreign aggression which in turn provided the basis for the contemporary anti-heroic attitudes of the majority of the Czech population.[9]

The tales of the Czech reformation and the legend of Jan Hus were the background against which the modern Czech national identity developed. They also inspired the 19th century intellectuals and patriots. In particular, Francisek Palacky's *History of the Czech Nation in Bohemia and Moravia* was a stepping stone in forming Czech historical awareness.[10] However, until the second half of the nineteenth century Czech nationalism remained essentially dormant. An early

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and the Military in Modern Societies), (Praha: University Karlovy, Fakulta sociálních věd), No 6, 1997, in Czech.

[9] Štefan Sarvaš, 'Attitudes of the Czech Republic toward National Security, the Military, and NATO Membership, *The Journal of the Slavic Military Studies*, Vol. 11, No 3 (September 1998), p. 57.

[10] John Morison, 'The Road to Separation: Nationalism in Czechoslovakia', in: Paul Latawski (ed.), *Contemporary Nationalism in East Central Europe* (London: Macmillan Press Ltd., 1995), pp. 69 - 70.

abolition of serfdom in the Czech lands (1781) and their intensive urbanisation and industrialisation created favourable conditions for the social mobilisation and finally the revolutions of 1848 awakened Czech nationalism. However, prior to World War I the Czechs only demanded an increased political representation in the Austro-Hungarian Empire while national independence was not on the agenda.[11] Thus, the founding of the Czechoslovak Republic in 1918 was not a result of the conscious action of the Czech nationalists, but came about in a sequence of favourable international developments and a complex interplay of great powers' interests.

Czechoslovakia originally was envisaged as a counterbalance to Germany and Hungary in Central Europe, should their influence grow in the region.[12] On creating the common Czech and Slovak state, the great powers also took into account the ethnic composition and made an instrumental use of them: the Slovaks population strengthen the Czech against the Germans within Czechoslovakia and reduced the proportion of German minority.[13] Thus, the Czechoslovak Republic was conceived in a somewhat artificial way, based neither on language criteria nor on the ethnicity and from the beginning the state lacked a common goal that would have a unifying power for both nationalities. Generally speaking, Czechoslovakia never achieved a real unity or asserted a sense of common, supranational identity and as a result the state suffered from the symptoms of the stateness problem.[14] Differences between the peasant and mostly catholic Slovaks and urban, educated, Protestant Czechs

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[11] Michta, *The Government*, p. 30.

[12] Jan Urban, 'The Czech and Slovak Republics: Security Consequences of the Break-up of the CSFR', in Regina Cowen Karp (ed.) *Central and Eastern Europe: the Challenge of Transition* (SIPRI and Oxford University Press, 1993), pp. 102 – 103.

[13] Jaroslav Krejčí, Pavel Machonin, *Czechoslovakia 1918 – 1992. A Laboratory for Social Change* (Oxford, Macmillan Press in association with St Antony's College, 1996), pp. 20 – 42.

[14] Joseph F.Zacek, 'Nationalism in Czechoslovakia', in P.F.Sugar, I.J.Lederer, *Nationalism in Eastern Europe* (University of Washington Press: Seattle, 1969), p. 166.

turned out to be irreconcilable and throughout the years of the Czechoslovak existence the Slovaks by and large represented a handicapped minority partner in the Czech – Slovak relationship, both under the democratic system and the communist regime.[15]

Throughout the inter-war years, Czechoslovakia remained a state of uncertain identity and legitimacy. The partition of Czechoslovak lands by the great powers in Munich in 1938 later demonstrated that the country failed to establish itself as a viable nation-state on the international arena. However, the inter-war Czechoslovakia left an important legacy of a strong and sustained democracy throughout the two pre-war decades which made the country an exception in the region. Compared to the remaining group of newly created European countries, the Czech democracy was characterised by a unique stability and internal strength.[16] The political culture of the Czech population was characterised by an attachment to the democratic political framework and the internalisation of those democratic values gave Czech nationalism a more civic than ethnic outlook. Yet, even within the democratic framework the Slovaks were perceived by the Czech population as junior and immature partners in the federal state and denied greater autonomy. Such policy caused resentment on the part of the Slovak population and contributed to the development of a conservative political culture and ethnic nationalism in their part of the common state.[17]

The post-war communist regime in Czechoslovakia was established in 1948 as a result of the communist coup. It was received by the population with a passivity

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[15] Rakowska-Harmstone, Jones, Sylvain, *Warsaw Pact*, pp. 98 – 99.

[16] Michta, *The Government*, p. 30.

[17] Rakowska-Harmstone, Jones, Sylvain, *Warsaw Pact*, pp. 98 – 99.

that was to become the hall mark of the Czechoslovak society for years to come.[18] Despite the initial high levels of popular support for the communist rule, the Stalinist regime in Czechoslovakia was ruthless, specially towards the clergy, private entrepreneurs and later to some prominent communist activists as well. In the 1950s and 1960s Czechoslovakia was one of the most orthodox communist countries in the entire region. The eruption of social discontent during the Prague Spring of 1968 was the only exception to the passive endurance of oppression demonstrated by the population at large. In 1968 in an internal Party reshuffle a Slovak communist reformer Alexander Dubcek became the first secretary and initiated cautious reforms.[19] The Soviet-led invasion of the Warsaw Pact 'friendly armies' brutally terminated the revolution and in the ensuing period of 'normalisation' all the social dissent was effectively quelled. [20]

The years of the communist rule not only failed to strengthen the weak Czechoslovak identity, but created some additional ethnonational conflicts by instrumental use of ethnic issues, for example in the composition of the military officer corps. In the early post-war years the Hungarian minority was persecuted and denied citizenship by the Slovak communist authorities; the Slovaks in their own turn were striving for emancipation from Czech tutelage within the Czechoslovak institutional framework and tried to secure a degree of influence over the political decisions in Prague.[21] In the 1980s, Czechoslovakia already featured political and

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[18] Rakowska-Harmstone, Jones, Sylvain, *Warsaw Pact*,p. 102.

[19] Michta, *The Government,* p. 33.

[20] For an excellent description of the nature of Czechoslovak regime see Vaclav Havel, "Czechoslovakia: Stories of Totalitarianism', in Ruth Petrie (ed.), *The Fall of Communism and the Rise of Nationalism*, (London and Washington, Cassell, 1997), pp. 91 - 110.

[21] George Schopflin, *Politics in Eastern Europe 1945 – 1992* (Oxford UK & Cambridge USA: Blackwell, 1993), p. 66.

economic stagnation and the few existing groups of dissidents were unable to mobilise the public.[22] The swift collapse of the communist regime after only a few days of the 'Velvet Revolution' in November 1989 came as a surprise to everyone, including the regime incumbents, and demonstrated the extent to which the regime had been alienated from Czech society.[23] However, the years of communist rule had frozen the identity of the Czechoslovak state in its pre-war ambiguous form and all the stateness problems re-emerged with great intensity after the collapse of the party - state. The unresolved ethnic and formal issues resurfaced at the start of transition and exacerbated economic and political problems beyond the point of reconciliation.[24] The inability to reach the agreement over the political formula of the common state led to the break up of the federation three years after the Velvet Revolution, and on 1 January 1993 the two new independent Czech and Slovak Republics replaced Czechoslovakia. The Czechoslovak society on that occasion again demonstrated its characteristic passivity: although the separation did not enjoy much public support, the implementation of the Velvet divorce did not provoke major protests either. The relative indifference to the disintegration of the common state was the final proof of the weak identity and feeble legitimacy of the now defunct federal state.

Paradoxically, the break up of the Czechoslovak Federation reinforced the Czech national identity and liberated the Czech Republic of many persistent problems, including stateness related issues. The new country became a territorially and ethnically homogenous entity, free of minority problems and with an instantly

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[22] Linz, Stepan, *Problems of Democratic*, p. 316.

[23] See John F.Bradley, *Czechoslovakia's Velvet Revolution: A Political Analysis* (New York & Boulder, Colo.: East European Monographs, 1992), p. 93.

improved economic performance.[25] The peaceful dissolution of the federation allowed the Czech authorities to quickly establish the Czech Republic on the international arena; in addition, the separation from the Slovaks initiated the process of crystallising the Czech national consciousness, distinct from both the Slovak and from the Czechoslovak identities. However, as some Czech authors commented unhappily, the Czech population carried through the communist rule some traditional features and attitudes that might have a negative influence on democratic consolidation, and on the civil-military transformation in particular. Among other things, it was a deep rooted distrust of state institutions that for most of the Czech history were perceived as a representation of an alien and oppressive authority, a prevalence of hard and pragmatic attitudes over idealistic postures which showed in the political decisions of 1938, 1948 and 1968 that ordered the armed forces to cease their fruitless resistance in order to avoid bloodshed, and a fluctuating defence willingness that always disappeared when danger was no longer explicit and immediate. [26]

The Czech Republic was a senior partner in the Czechoslovak Federation and it emerged after the 'Velvet divorce' as a stronger and better consolidated nation-state with an improved stateness condition. Because the Czechs remained in control of the federal government and major state institutions in the Czechoslovak state, in the aftermath of the Velvet divorce one could not speak of the initiation of the state-building process, but rather of the state-organising and refinement of its structures.

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[24] Stephen Iwan Griffiths, *Nationalism and Ethnic Conflict. Threats to European Security.* SIPRI Research Report No 5 (Oxford: Oxford University Press, 1993), pp. 28 – 32.

[25] Jeffery Simon, *Czechoslovakia's 'Velvet Divorce', Visegrad Cohesion, and European Fault Lines.* McNair Paper 23, Institute for National Strategic Studies, National Defence University (Washington D.C.: October 1993), pp. 3 – 4.

[26] Purkrábek, 'Legitimita', pp. 90 - 93.

Similarly, the national identity of the Czechs were reinforced by their separation from the Slovak Republic, yet admittedly the divorce caused a degree of social confusion.[27] Although the residue of the stateness problems was likely to cause some complications in the course of post-communist civil-military transformation in the Czech Republic, the emergence of the national state, the strengthening of the Czech collective identity and the legacy of political democracy with civic values deeply internalised in the Czech political culture represented important assets for the processes of democratisation.

While the formation of the nation-state was a cure to most Czech stateness related problems, no such thing could be said about Ukraine. Ukraine had three fundamental problems related to the issue of the state tradition and it was the extreme weakness of that tradition, the lack of historical continuity and the highly amorphous character of Ukrainian statehood, in the past and at present. The discussion on the Ukrainian statehood tradition and national identity was defined by two characteristic features. One was the 'historical indigenousness discourse'[28] which stemmed from the fact that the indigenous rights to inhibit the Ukrainian lands could be equally claimed in today's Ukraine by the Russophones and Ukrainophones population. The second distinctive feature of the dispute was the frequent use of the arguments referring to the distant, half-mythological past in the absence of more recent, historical arguments.

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[27] Interview with Jiři Sedivy, Director, Institute of International Relations, Prague, interview in Birmingham, October 2000.

[28] See Graham Smith, Vivien Law, Andrew Wilson, Anette Bohr, Edward Alworth, *Nation-Building in the Post-Soviet Borderlands - the politics of National Identities* (Cambridge: Cambridge University Press, 1998), pp. 119 – 138.

The first state organisation, Kievan Rus', appeared on the territory of today's Ukraine in the 10th century and lasted till the middle of the 13th, when the Mongol invasion and the sack of Kiev brought the existence of Rus' to an end. Kievan Rus' was the largest and one of the most powerful states of medieval Europe and Kiev was the great centre of trade, religion and culture in that period. It is not clear, however, who established the medieval state and founded Kiev, so the 'indigenousness discourse' focused on that controversy. Theories that Kievan Rus' was established by the Normans were rejected by both Russian and Ukrainian historians who preferred to stress the role of the local Slav tribes in the formation of the medieval kingdom. Yet, the Ukrainophones saw the Kievan Rus' as the homeland of the Ukrainian nation and the genuine beginning of Ukrainian state tradition, whereas their Russophone counterparts rejected that interpretation and perceived the medieval state as a predecessor of Muscovy and later Russia.[29] Although the controversy dated back to Tsarist Russia, in contemporary Ukraine it acquired special importance.

After the sack of Kiev, the territory of today's Ukraine became 'a frontier zone that for several centuries remained at the intersection of the continually shifting borders of the Grand Duchy of Lithuania, the Ottoman Empire, the Polish – Lithuanian Commonwealth, the Crimean Tatar Khanate, and Muscovy'.[30] For the Ukrainian national tradition the period of Cossack settlement on the Zaporozhian islands and the left bank of the river Dnieper from the 16th century until 18th century was the most significant development in that period. The Cossacks established a

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[29] Smith et al., *Nation-Building*, pp. 127 – 132; Andrew Wilson, *Ukrainian Nationalism in the 1990s. A Minority Faith* (Cambridge: Cambridge University Press, 1997), pp. 2 – 4.

self-governing autonomy, the so called Hetmanate and their movement is today treated as a fundamental part of Ukraine national identity.[31]

In the 19th century Ukraine experienced a national revival, but it was not until World War I that the Ukrainians undertook several attempts to establish their own state. Over the period from November 1917 to December 1919 three short-lived quasi-state formed on the Ukrainian territory: the Ukrainian People's Republic, which fell to the Bolshevik invasion, the Hetmanate, which was the product of a Ukrainian separate peace with Germany and Austro-Hungary and finally the Directorate. All three entities soon disintegrated and the internecine nationalist wars, the peasant uprising and war operations brought poverty, deprivation and death to Ukraine.[32]

Following the Ukrainian defeat to the Bolshevik forces, the Ukrainian territory was partitioned and partly incorporated into the Soviet Union, while the remaining part went to the newly created Polish state. Ukrainian efforts to establish a national state during the Second World War were even more short-lived than the earlier attempt, and ended in unification of the whole Ukrainian territory under Soviet rule. The independence finally came in 1991, but then 'it was not so much won by, as bequeathed to, Ukrainian nationalists'.[33] The suddenly independent state lacked a viable tradition, lacked the experience of the modern government and

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[30] Alexander Motyl and Bohdan Kravchenko, 'Ukraine: from Empire to Statehood', in Ian Bremmer and Ray Taras (eds.), *New States, New Politics: Building the Post-Soviet Nations* (Cambridge: Cambridge University Press, 1997), p. 236.

[31] Motyl, Kravchenko, 'From Empire', pp. 237 – 239; Wilson, *Ukrainian Nationalism,* pp. 6 – 7.

[32] A concise overview of Ukrainian history from early to modern Ukraine can be found in Bohdan Nahaylo, *The Ukrainian Resurgence* (London: C.Hurst & Co., 1999), pp. 1 – 19.

[33] Motyl, Kravchenko, 'From Empire', p. 235.

lacked state models other than imperial or totalitarian ones[34] that could not be supportive in the course of transition to democracy. Thus, any attempt to find a 'usable past' was inevitably reduced to historiography or even mythology.[35]

The second great weakness of the Ukrainian state tradition was its discontinuity. The long periods of foreign domination and frequent partitions of territory fragmented the history of Ukraine and deprived its institutions of historical roots. As a result, Ukraine does not have institutional models to draw upon in the course of its state-building process. Nor does it have the state symbols that have common connotations and a unifying influence for the society at large.[36]

The national tradition of Ukraine is somewhat stronger than the statehood tradition, and over the centuries produced a discernible, though weak, national identity. But rather than being a cohesive entity, the Ukrainian national tradition represented a range of 'identity options', additionally complicating the stateness problem in that republic.[37]

Ukrainian identity was caught between the two conflicting traditions which had developed over the centuries and today are difficult to reconcile. There is a tradition of full assimilation of the Ukrainian elite to the Russian elite, associated with the Little Russianism ideology. Smith characterised it as 'an instrumental identity, a rational calculation of the greater practical and symbolic benefits of

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[34] Alexander J.Motyl, *Dilemmas of Independence: Ukraine after Totalitarianism* (New York: Council of Foreign Policy Relations, 1993), p. xii.

[35] Ilya Prizel, *National Identity and Foreign Policy. Nationalism and Leadership in Poland, Russia and Ukraine* (Cambridge: Cambridge University Press, 1998), p. 2.

[36] Ilya Prizel, 'Ukraine Between Proto-Democracy and 'Soft' Authoritarianism', in Karen Dawisha, Bruce Parrot, *Democratic Changes and Authoritarian Reactions in Russia, Ukraine, Belarus and Moldova* (Cambridge: Cambridge University Press, 1997), p. 331.

[37] Smith, Law et al., *Nation-Building*, p. 138.

Russian culture'.[38] For centuries, Ukrainian elites supplied cadres for the imperial, and later Soviet, bureaucracy and army, and their identity merged with the Russian/Soviet one. The tradition of Little Russianism (which had its equivalent in Polish – Ukrainian relations) weakened Ukrainian claims to self-determination and was a source of the already mentioned 'indigenous discourse'.

The second strand of Ukrainian tradition was embedded in the memory of national dissent and liberation struggles, from Cossack uprisings in the 16th and 17th centuries, through the history of World War I, to the subversive activities of the Ukrainian fighters before the Second World War. The martyrdom of the Great Famine in the 1932 - 33 and the memory of the forced collectivisation and urbanisation of the Soviet Ukraine also belong to this stream.[39] But the most controversial part of this tradition is the history of the Ukrainian Insurgent Army (UPA) which operated in the western regions as a guerrilla force before and during the Second World War, fighting German, Soviet and Polish forces alike. While the nationalists, particularly from the radical Ukrainian National Assembly, celebrate the activities of the UPA as a heroic struggle against the enemies of the Ukrainian nation, in the Soviet and Polish historiography the Ukrainian Insurgent Army was considered a fascist, extremist and terrorist organisation.[40] Nevertheless, the population of Western Ukraine was receptive to the nationalist pull of the UPA tradition, and the assertive, ethnic based identity associated with it.

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[38] Smith, Law et al., *Nation-Building*, p. 132.

[39] Bohdan Kravchenko, *Social Change and National Consciousness in Twentieth Century Ukraine* (Canadian Institute of Ukrainian Studies, University of Alberta and St Anthony College, Oxford, 1985).

[40] Tor Bukkvoll, *Ukraine and European Security*, Chatham House Papers, (London: RIIA, 1997), pp. 14 – 16; Michta, *The Government*, p. 199.

As a result of the identity rift , a large part of the Ukrainian population became divided along Russophone/ Ukrainophone lines. This identity divide was additionally intensified by its overlap with the regional divisions in Ukraine which also corresponded to the layout of political preferences, particularly in the early 1990s.[41] The Western Ukraine was traditionally nationally conscious and anti-Russian, while the eastern regions of the country were largely Russified and anti-nationalist. The complex identity/regional/political cleavages were vividly demonstrated by the structure of votes cast for two presidential candidates in the Kravchuk - Kuchma runoff elections in 1994. Kravchuk, running on nationalist platform, scored in the Western regions between 70% - 95%, while Kuchma, perceived to be pro-Russian, received between 67% and 88% in Eastern Ukraine.[42]

The Ukraine that emerged after the break up of the USSR was ill-prepared for independent functioning as a state. It had the appearance of a typical nation-state, yet in reality the country lacked most of its modern attributes. Its borders were uncertain, the national composition owed to the unpredictable politics in the Soviet Union, and instead of a nation, genuine institutions and ruling procedures, Ukraine in 1991 only had 'prerequisites of statehood' in place.[43] In terms of state tradition, the only legacy available to the creators of the Ukrainian state was their Soviet heritage. This legacy, however, was generally incompatible with the task of effective

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[41] Valeri Khmelko, Andrew Wilson, 'Regionalism and Ethnic and Linguistic Cleavages in Ukraine', in Taras Kuzio (ed.), *Contemporary Ukraine: Dynamics of Post-Soviet Transformation* (New York and London: M.E.Sharpe, 1998), pp. 60 – 78.

[42] Roman Solchanyk, 'Ukraine: The Politics of Reform', *Problems of Post-Communism*, Vol. 42, No. 6, November/December 1995, p. 48.

[43] Motyl, *Dilemmas of Independence*, pp. 34 - 35. The institution which bore the brunt of the sudden change was the Ukrainian Supreme Soviet (parliament). See David M.Olson, 'New Wine in Old Institutions: Parliaments in Post-Communist Democracies', *Problems of Post-Communism*, Vol. 46, No 1, January/ February 1991, pp. 15 - 23.

democratisation because, as Motyl noted, the Soviet era institutions precluded rapid transition to democracy, civil society, rule of law and market economy and elites were poorly prepared to govern the modern nation-state.[44] A post-independence Ukraine lacked both a national identity and a state tradition. It was in a situation where it had to initiate the building of the nation and of the state, yet the two processes were likely to represent conflicting logics that would be detrimental to democratisation.[45] Briefly, a post-independent Ukraine lacked any tradition, state or national, that would be conducive to transition and supportive to democratic consolidation and both the state and the nation in a sense had to be constructed from scratch. However, despite the weakness of all features of Ukrainian stateness, that is the state tradition, national identity, and institutional experience Ukraine nevertheless pursued the policy of civic-oriented nationalism and inclusive nation-building.[46] The nation-building programme in Ukraine was organised in accordance to three imperatives: first, identification of Russia as 'the other' and so the point of reference for 'Ukrainess'; secondly, promotion of a 'civic' sense of nationhood, based on a loyalty to the territory; and thirdly, building of an inter-ethnic accord.[47]

Lithuania also emerged from the Soviet Union amalgam, yet its stateness problems were considerably less than in the case of Ukraine, owing to a longer state history and established national identity. The Lithuanian written history dates back to the 13th century. Around 1230 various Lithuanian tribes became united under the

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[44] Alexander Motyl, 'State, Nation and Elites in Independent Ukraine', in Kuzio (ed.), *Contemporary Ukraine*, p. 3.

[45] Such situation and its consequences are described in Linz, Stepan, *Problems,* p. 25.

[46] Mykola Riabchouk, 'Civil Society and Nation Building in Ukraine', in Kuzio, *Contemporary,* p. 84.

[47] Motyl, 'State, Nation', p. 7.

power of the Grand Duke Mindaugas. Lithuania became converted to Christianity in 1387 as the last nation in Europe after the Lithuanian duke Jogaila (in Polish Jagiello) accepted the Polish crown. In 1569 the Lithuanian Grand Duchy unified with Poland and formed the Commonwealth. The common Polish – Lithuanian state existed until its final partition in 1789.[48]

Although the period of the Polish – Lithuania commonwealth was politically significant for both countries, contemporary Lithuanian views on that period are mostly critical. The opinions expressed and published by Lithuania nationalists in the early 1990s were particularly negative.[49] With time, however, they became more balanced. For Poles, as Karpinski observed, 'an idealised Lithuania is a part of an idealised Polish past';[50] however for the Lithuanians the issue is more complex: Christianisation of their country and the Polish Lithuanian common state did bring the Lithuanians into the Western cultural sphere and strengthened them, yet it resulted in the rapid polonisation of the Lithuanian nobles and arrested a development of the Lithuanian national language and identity for many centuries.[51] Despite this Polish and Lithuanian sides officially reconciled their differing views and the past is no longer a contentious issue.[52] Nevertheless Lithuanian historians prefer to stress the pre-Christianisation period until the 13th century and the history

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[48] V.Stanley Vardys, Judith B.Sedaitis, *Lithuania: the Rebel Nation* (Boulder, Colo. & Oxford: Westview Press, 1997), pp. 9 – 14.

[49] For example Gintaras Tamalaitis, *National Security and Defence Policy of the Lithuanian State*, Research Paper No 26 (New York and Geneva: UNIDIR, 1994), p. 1.

[50] Jakub Karpiński, 'Poland and Lithuania Look Toward a Common Future', *Transition*, 4 April 1997, p. 15.

[51] Alfred Erich Zenn, 'Lithuania: Rights and Responsibilities of Independence', in Bremmer, Taras, *New States,* pp. 57 - 64.

[52] Interview with Dovilé Survilaité, Third Secretary, Embassy of the Republic of Lithuania, Warsaw, Poland, April 1999.

of 19th and 20th centuries in Lithuania as the formative periods of national identity and tradition.

Modern Lithuanian national identity started forming during the cultural renaissance of the 19th century and gradually evolved into a political awakening.[53] In 1918 Lithuania gained the formal independence that lasted until the outbreak of the II World War.[54] Democracy, however, did not survive long but broke down in 1926 in the aftermath of a military coup, directly provoked by the plans to reduce the officer corps. Afterwards, an authoritarian regime of Antanas Smetona's was installed and ruled until 1940, and although the regime was described as 'benign rather than malignant',[55] its record in domestic politics was far from civic-oriented and featured military corporatist policies, narrow ethnic chauvinism and religious oppression of minorities. The maltreatment of minorities in particular caused international criticism of the Lithuanian state.

The international position of Lithuania was difficult throughout the inter-war period. The state had poor relations with its neighbours; Polish – Lithuanian relations in particular were hostile after the Polish annexation of Vilnus in 1920. Nevertheless the pre-war Lithuania scored many significant successes as it managed to build a viable nation-state and establish itself on the international arena,

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[53] More on the cultural emancipation of Lithuanian population form Polish culture, see Karpiński, 'Poland and Lithuania', p.16 – 17.

[54] For more details on the inter-war history of Lithuania, see John Hiden, Patrick Salmon, *The Baltic Nations and Europe. Estonia, Latvia and Lithuania in the Twentieth Century* (London and New York: Longman, 1994), pp. 43 – 58.

[55] Nicholas Hope, 'Interwar Statehood: Symbol and Reality', in Graham Smith, *The Baltic States. The National Self-Determination of Estonia, Latvia and Lithuania* (London: Macmillan Press, 1994), p. 63.

performing well economically and making tremendous progress towards building a national elite.[56]

Lithuanian independence came to an abrupt end in 1940. On the 21 July 1940 the state was incorporated by force into the USSR.[57] During the war Lithuania experienced successive Soviet - German - Soviet waves of invasion and undertook an armed attempt to shake off the Soviet rule, but the Soviet forces prevailed. The communist rule brought large scale oppression for the Lithuanian population that suffered mass deportations during the war. However, after the war the Lithuanian republic managed to establish a modicum of national autonomy within the USSR and fostered its own culture and language. Lithuania was also among the most rebellious republics in the USSR and a dissident movement was always present there.[58]

The experience of the inter-war statehood was a defining experience for the contemporary national consciousness of the Lithuanian people, both in terms of national and state awareness. This tradition helped the Lithuanians survive the years of Soviet rule and save their language and culture,[59] it also offered 'a rich variety of the pre-Soviet national symbols' to draw upon[60] in the course of post-communist transition that were of paramount importance. The history of the inter-war period became subsequently mythologised and became a frame of reference for all political

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[56] For a history of inter-war state see Vardys, Sedaitis, *Lithuania,* pp. 28 – 43.

[57] Michta, *The Government*, 1994, pp. 128 - 129.

[58] Anatol Lieven, *The Baltic Revolution. Estonia, Latvia, Lithuania and the Path to Independence* (New Haven & London: Yale University Press, 1994), pp. 20 - 53; Alfred Erich Senn, 'Lithuania's First Two Years of Independence', *Journal of Baltic Studies,* Vol. XXV, No. 1, Spring 1994, p. 355.

[59] For discussion on the nature of the Lithuanian national identity, see Hank Johnston, 'The Comparative Study of Nationalism: Six Pivotal Themes From the Baltic States', *Journal of Baltic Studies,* Vol. XXIII, No. 2, Summer 1992, pp. 95 – 103.

[60] Smith, *The Baltic States*, p.121.

actors in the post-communist state.[61] The most prominent politicians derived their origins from the pre-war nationalist movements, among them Vytautas Landsbergis and his *Sajudis* movement that played the crucial role in the Lithuanian quest for independence. Landsbergis's personal credentials were not represented by a record of any anti-Communist dissident activity, but by the family history of merits for the Lithuanian culture, language and the political activity in the First Republic. Landsbergis regarded himself as a political heir of the pre-war Lithuanian president, Antanas Smetona.[62]

Here lies the greatest problem of the national identity and state tradition of contemporary Lithuania. The modern consciousness of the Lithuanian people is somewhat obsolete, deeply embedded in the historical past that is treated with admiration and was not subjected to critical reflections in a public debate. There was little if any discussion on the break-up of the democratic system in pre-war Lithuania under the authoritarian pressures from various movements rooted in Catholicism, nationalism and socialism.[63] The pre-war state provided Lithuania with modern state tradition and strengthened its identity and without that experience Lithuania would likely have experienced equally serious problems of stateness as Ukraine did. However, such an uncritical approach to its own national legacy may foster some anti-democratic, exclusive movements that derive their origin from the pre-war period. For example, the leader of the *Sauliai* paramilitary forces when inquired before the 1992 elections how he would react to the post-communist government formed as a result of electoral victory, answered that his forces would

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[61] Kristian Gerner, Stefan Hedlund, *The Soviet States and the End of the Soviet Empire.* (London and New York: Routlege, 1993), pp. 51 - 62.

[62] Lieven, *The Baltic,* p. 73.

[63] Vardys, Sedaitis; *Lithuania: the Rebel*, p. 34; Lieven, *The Baltic,* chapter 3, pp. 64 – 69.

tolerate such a government only as long as it would not act against the interests of the Lithuanian state.[64] Thus, in addition to the task of building a modern state Lithuania faced the necessity of 'updating' its national identity to avoid the repetition of the problems that hampered the pre-war nation-state.

Transitional Opening of the Communist Regime.

Differences in the internal position of the regimes can partially account for the different modes of transitional opening in the post-communist countries. While in some countries the society mobilised enough resources to be able to negotiate with the regime, in other states only the externally initiated transition was possible. The opening may be strong or weak, depending on the individual characteristics of the country's tradition and situation, but in any case 'the manner of inaugurating a new, democratic regime had a significant effect over the regime's subsequent evolution'.[65] Thus, the transitional opening represents one of the factors that have an important influence over democratisation processes in the post-communist countries.

The transitional opening in Poland beyond doubt counted among the strongest among the communist states. It came into effect through the Round Table talks between the regime and the opposition. Such a mode of transition is described in the subject literature as a 'transplacement'[66], 'transition through transaction'[67], or a

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[64] Lieven, *The Baltic Revolution*, p. 74.

[65] J.Samuel Valenzuela, 'Democratic Consolidation in Post-Transitional Settings: Notion, Process, and Facilitating Conditions', in in Scott Mainwaring, Guillermo O'Donnell and J.Samuel Valenzuela (eds.), *Issues in Democratic Consolidation. The New South American Democracies in Comparative Perspective* (Notre Dame, Indiana: Notre Dame Press, 1992), p. 75.

[66] 'In transplacements democratization is produced by the combined actions of government and opposition'. Samuel P. Huntington, *The Third Wave. Democratization in the Late Twentieth Century* (Norman and London: University of Oklahoma Press, 1993), p. 151.

'pacted transition'[68]. Two features are crucial here: the joint involvement of both regime representatives and the opposition in the opening and an agreement on the conditions of opening prior to the initiation of the change of regime. A consensual approach to the opening is an advantage at the start of democratisation, however, the problem may come later when the settlement that had been reached under the circumstances of the authoritarian/totalitarian regime in the crisis situation remained binding in a completely changed political environment. For Poland, the Round Table agreement in the short run prevented an outbreak of political crisis and possibly bloodshed as well as facilitating a smooth start of the democratisation process; most importantly, it strengthened the positions of the dissidents in the eyes of the regime representatives and promoted them to the role of politicians rather than illegal opposition members. Consequently, their distinctive non-communist identity drew the line between the communist regime and the non-communist government once the first opposition representative was nominated Prime Minister. However, the long-term consequences of the Round Table agreement were negative as they delayed the transition and 'had an unforeseen harmful effect on Poland's efforts to create the political institutions necessary for democratic consolidation'.[69]

In the complex trade-off a compromise was reached at the Round Table in 1989 in which the communist representatives agreed to the abolition of the communist monopoly of power, to create an upper parliamentary chamber and to organise free and competitive elections for that chamber in return for a contractual election and guaranteed majority in a lower parliamentary chamber, the Sejm. A

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[67] Scott Mainwaring, 'Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues', in in Mainwaring, O'Donnell, Valenzuela (eds.), *Issues in Democratic*, p. 323.

[68] Linz, Stepan, *Problems*, pp. 264 - 269.

[69] Linz, Stepan, *Problems*, pp. 267.

replacement of the collegial presidency of the Council of the State by a one-person presidency was another important condition. The presidency was the key institution designed to guarantee that the vital interests of the regime would not be violated and to secure political leverage of the communist party. To this end, extensive powers in the realm of internal security and national defence were granted to the president, among them the function of the Commander-in-Chief of the Armed Forces and chairmanship of the Home Defence Committee (a powerful body infamous for its role in the introduction and administration of the 1981 martial law), emergency powers, and influence over government composition and policy. Only the fact that the president was elected by the combined parliamentary chambers known as National Assembly somewhat weakened his otherwise powerful position.[70]

The Round Table settlement was not intended to pre-shape democratic institutions, but only to carry out a limited liberalisation[71] of the system and boost the regime legitimacy through the partially free elections. But the June 1989 vote in Poland repeated the pattern of 'stunning elections' described by Huntington[72] and brought a disastrous defeat to the regime representatives running in competitive election to the Senate: out of 100 seats only one was won by an independent representative associated with the ruling party. The electoral results corrected the settlement of the Round Table that was over-favourable for the already weak communist side and Poland entered the path of full democratisation, though with

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[70] Maurice D.Simon, 'Institutional Development of Poland's Post-Communist Sejm: A Comparative Analysis', in David M.Olson, Philip Norton, *The New Parliaments of Central and Eastern Europe* (Portland, Oregon and London, Frank Cass Ltd., 1996), pp. 61 - 63.

[71] For a discussion on the concept of liberalisation versus democratisation, see Guillermo O'Donnell, Philippee C.Schmitter, *Transitions From Authoritarian Rule. Tentative Conclusions About Uncertain Democracies* (Baltimore and London: The John Hopkins University Press, 1986), pp. 7 – 11.

[72] Huntington, *The Third Wave*, pp. 174 - 192.

some key institutions of democracy already pre-designed. Additionally, the 'power ministries' had been designated to the communist politicians at the Round Table deal and that had to be observed by the first non-communist minister. While such a solution may have had a protective influence on the Polish transition, it made national defence the last sector to be reformed.

The Round Table agreement also caused legal problems: this de facto constitutional reform was carried out in a non-constitutional way, by a body of negotiators without democratic mandate. Therefore, after the June 1989 elections the Constitution from 1952 had to be promptly amended in order to sanction the changes. Thus, the particular mode of opening in Poland weakened the legitimacy of the democratisation process in the long run and laid the foundations for a hybrid political system where presidential - parliamentary conflict was inherent to the system. Similarly, many institutional problems of civilian control of the military originated from the awkward solutions of the Round Table agreement, the provisions of which were incompatible with modern democratic civil-military relations. Finally, the practice of forming an institution around a particular person the way the presidency had been designed for general Wojciech Jaruzelski at the Round Table pushed Polish politics toward personalisation and was detrimental to the systemic, institutional reforms.

With regard to the Czech case, it may be said that the country experienced two transitional openings, yet both of them weak. The first one took place in November 1989 and initiated democratic transformation. The second one was the Velvet divorce of 1992/1993 and it marked the birth of the Czech nation-state.

The first opening was a typical 'transition through collapse' initiated through the snowballing effect of other openings in Central Eastern Europe, rather than the 'transplacement' proposed by Huntington[73]. In the Czech conditions of frozen communist orthodoxy the external initiation of the change was probably the only possible one.[74] The Czechoslovak society essentially lacked the self–organising qualities, its dissident movement was very weak and therefore could not be a partner for regime representatives to negotiate a transaction with.[75] Instead, the communist regime remained in the frozen condition until a combination of external and internal factors literally pushed the communist incumbents out of power. Among the external factors that were decisive for the regime collapse in Czechoslovakia was the Warsaw Pact summit of early November 1989 where the 1968 invasion on CSFR was condemned, effectively depriving the Czechoslovakian communist leadership of the basis of its legitimacy and paving the way for the change of regime.[76] It was not, however, until the massive demonstrations in Prague and the general strike in the country broke out that the communist regime realised the extent of its weakness and alienation and stepped down. There is some evidence, however, that the Czechoslovak communist party leaders attempted to use force against the opposition. The regime sought support from the army, interior troops and workers militias as its last resort, and only when those efforts failed, the party-state finally collapsed and the process of democratisation began.[77] However, the discovering of the regime's efforts to organise the army operation against the

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[73] Huntington, *The Third Wave*, p.113.

[74] Linz, Stepan, *Problems of Democratic*, pp. 320 – 322.

[75] Timothy Garton Ash, 'Czechoslovakia under the Ice', in Timothy Garton Ash, *The Uses of Adversity: Essays on the Fate of Central Europe* (New York: Random House, 1989), p. 62.

[76] Schöpflin, *Politics*, p. 235.

[77] Schöpflin, *Politics*, p. 238; Bradley, *Czechoslovakia's Velvet*, pp. 78 – 93.

opposition movement had a tremendous impact on the post-communist civil-military relations in the Czech Republic and contributed to the attitude of suspicion and distrust of the society towards the military.

The Czechoslovak velvet revolution occurred with unexpected ease and speed. Due to that very swift development of events Czechoslovak society failed to organise itself into a strong, supra-national and self-conscious movement that would be later able to take the leadership of the federal country and proceed with rapid political transformation. Instead, two separate and nationally-based movements emerged in the aftermath of the November 1989 transitional opening: the Civic Forum in the Czech Republic and the Public against Violence in Slovakia. A bitter debate about the future of the country and a personal conflict between the leaders of the two movements ensued and resulted in the weakening of the legitimacy of the common Czechoslovak state and stalling of the constitutional reforms.[78] From such a perspective, the first opening in 1989 initiated the democratisation process, but at the same time it was a lost opportunity to strengthen the identity of the Czechoslovak state; instead, the Velvet revolution gave the impulse to the subsequent break up of Czechoslovakia.

The second opening came on 1 January 1992 in the form of the 'Velvet divorce' which constituted a final act of revision of the myth about Czechoslovak common purpose[79] and was important for the identity of the Czech nation-state. A

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[78] While historical, social and ethnic differences played an important role in the break up of the Czechoslovak Federation, Linz and Stepan offer an institutional explanation and stressed the importance of the institutional weakness of the federal system in Czechoslovakia. In their opinion, lack of early and radical political reform of a constitutional system were determinates of the subsequent split. See Linz, Stepan, *Problems*, pp. 328 – 333.

[79] Carol Skalnik Leff, 'Democratisation and Disintegration in Multinational States', in *World Politics*, Vol. 51, No 2, January 1999, p. 217.

very gentle mode of separation and the public acquiescence to the political decision in spite of a good degree of uncertainty regarding the possible consequences of the split were both conducive to the security and stability in the separating countries and the region as a whole, but as a result, the moment of the 'Velvet divorce' lacked a distinctive character as an historical event, or as a symbolic watershed and founding moment of the nation-state. Instead, it had a taste of an administrative decision and remained void of emotional connotations for the majority of the Czech population.[80] In that sense, both Czech openings were weak – they were almost too velvet.

Ukraine could be classified as a case of 'regime initiated change'[81] suggesting a pre-arranged, co-ordinated action of the ruling regime. However, in this particular case the regime representatives in fact turned themselves into the regime renegades and began to pursue their own agenda. The opening in Ukraine took place in the conditions of a rapid decline in the legitimacy of the USSR, under which circumstances the former communist functionaries turned to national ideology and political pragmatism as viable alternative that would allow them to remain in power. The former communist incumbents sided with the nationalists, particularly from the largest nationalist organisation Rukh and led the republic to independence.[82] In that context, Huntington's term 'transformation', understood as a process where 'those in power in the authoritarian regime take the lead and play the decisive role in ending

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[80] Interview with Jiři Sedivy, Director, Institute of International Relations, Prague, interview in Birmingham, October 2000.

[81] Linz, Stepan, *Problems*, p. 373.

[82] 'Independence was won by people who for most part had fought for independence with their lives.' So succinctly summarised Motyl and Krawchenko the Ukrainian march to independent state. See Motyl, Kravchenko, 'From Empire', p. 257.

that regime and changing it into a democratic system',[83] seems best suited to describe the Ukrainian opening.

The drive for power of the communist elite was the crucial factor in the opening of communist regime in Ukriane; the ever growing economic expectations[84] and environmental protests[85] were also instrumental. Yet, the military issues were already high on the political agenda even before the transformation began. In some sense, the civil-military transformation in Ukraine began even before full independence was gained. Already in 1989 the idea of creating a separate Ukrainian armed forces was considered, and the 1990 Declaration of Sovereignty enshrined the right of Ukraine to form a republican armed forces.[86] The acceptance of the idea of creating republican level militaries was accepted in the project of the new Union Treaty in 1991 and signalled a demise of the Soviet Union.[87] Another contentious issue was the maltreatment of the Ukrainian conscripts in the Soviet army and non-recognition of the October 1990 republican law on the ukrainisation of the armed forces that granted Ukrainian conscripts the right to serve only in the home republic.

One obvious result of the Ukrainian mode of opening was that it enabled the former communist republic elite to remain in power in the independent state and to

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[83] 'In transplacements democratization is produced by the combined actions of government and opposition.' Huntington, *The Third Wave,* p. 124.

[84] Motyl, Krawchenko, ' From Empire', pp. 244 – 246.

[85] Motyl, Kravchenko, , 'From Empire', pp. 244 - 246. Environmental hazards were later recognised as a potential security threat to independent Ukraine. See Phillip Petersen, 'Security Policy in the Post-Soviet Slavic Heartland and Moldova', *European Security*, Vol.1, No. 3 (Autumn 1992), pp. 321 - 322.

[86] Taras Kuzio, 'Civil Military Relations in Ukraine, 1989 - 1991', *Armed Forces & Society*, Fall 1995, Vol. 22, No 1, pp. 25 - 42.

[87] Robert V.Barylski, 'The Soviet Military before and after the August Coup: Departization and Decentralization', *Armed Forces & Society*, Vol.19, No 1, Fall 1992, pp. 35 - 37.

take advantage of the changed circumstances to secure their position and interests.[88] The presence of the old elites in the post-independence government had a moderating influence on the process of Ukrainian emancipation from the Soviet Union; later, however, the former communist politicians carried over the political culture from the USSR as well as the methods of government, stalling systemic reforms and delaying institutional transformation.[89]

In Lithuania, the context for opening was strikingly different. The opening in Lithuania had a mixed character, combining several characteristics from various modes of transitional opening. One of the defining features of the early transition period in Lithuania was a close co-operation and co-ordination of the opposition activities in the three Baltic states. This co-operation, although not free from problems, gave an additional moral strength and a political leverage to the dissidents in Lithuania, Latvia and Estonia and laid the fundaments for the prospective Baltic co-operation. The development of the so called Popular Fronts from 1988 onwards in all of the three countries was particularly significant for the liberation movement and for subsequent co-operation. [90]

The initial dissident demands in the Baltic republics focused on the issues of ecology, economy and military as well as including some moderate political postulates. However, the radicalisation of the popular fronts quickly became evident and in 1988 the rights to national self-determination and independent statehood were put on the opposition agenda.[91] The anti-Soviet, nationalist mobilisation reached the greatest intensity in Lithuania between 1989 and 1991 where it was spearheaded by

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[88] Prizel. 'Ukraine', p. 345.

[89] Motyl, 'State, Nation..', p. 9.

[90] Hiden, Salmon, *The Baltic Nations*, pp. 148 – 150.

[91] Smith, *The National,* pp. 128 – 136.

the nationalist movement Sajudis and its charismatic leader V.Landsbergis. The secessionist pressures were growing and in May 1989 Lithuania announced the declaration on sovereignty where it asserted that only the laws adopted by its Supreme Soviet and republican referendum would be valid. However, despite the visible radicalisation of the opposition movement the transition was taking place in co-operation with the local communist party and negotiated with Moscow up until April 1990. During that time, both the Sajudis movement and the Lithuanian Communist Party participated first in the 1989 elections to the USSR's Congress of People's Deputies in Moscow, and in the following year to the Lithuanian Supreme Council. Also, the Lithuanian Communist Party split with the Communist Party of the Soviet Union and despite Gorbachev's persuasion to renegade on that decision, the Lithuanian chairman of the party showed an inclination to work with the Sajudis movement.[92] Until then, Lithuania seemed to be looking towards a pacted transition mode.

The change came in April 1990 with the imposition of an economic blockade on the Lithuanian republic by Gorbachev, and when it failed, a military crackdown in January 1991.[93] That attempt to quell the Lithuanian nationalist movement by force reminded the indigenous population of the worst historical experiences of relations with Russia and destroyed the last opportunity for the pacted transition. Instead, the Russian troops met with popular resistance from the Lithuanian society and that action by the civilian population was decisive for the liberation of the country. The dramatic circumstances of the Lithuanian opening boosted national confidence and strengthened the resolve with which the Lithuanian authorities were striving to get rid of the Soviet institutions; however, the legacy of the transitional opening was not

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[92] Senn, 'Lithuania', pp. 357 – 359.

so good for the future of the national military because it lowered the prestige of the military as an institution, a prestige that was already low from the communist period.

Polity – Demos Congruency.

A degree of congruency between the nation and the state constitutes an important sub-variable of the stateness, having a direct and significant impact on the overall legitimacy of the state. The congruency may be measured against the nationality situation, territorial problems, cultural and linguistic issues and the citizenship formula. The assessment of each of these factors allows for an assessment of the legitimacy of any individual state, or rather to identify the substantial legitimacy problems if the situation is one of a serious mismatch between the nation and the state. While the situation where the nation is contiguous with the state does not automatically guarantee legitimacy to that state, the relation of the extreme discongruency between the polity and the demos would always weaken the condition of stateness, undermine the legitimacy of the state and threaten internal agreement on the political system. Under such circumstances, weak nation-states are always tempted to carry out the policies of national homogenisation and that may lead to ethnic conflict and the disruption of the democratisation processes. The polity-demos congruency sub-variable helps define the stateness condition of the four selected case countries at the start of democratic transition and determines, to a certain extent, the prospects for democratic consolidation in each of the countries.

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[93] Hiden, Salmon, *The Baltic Nations*, pp. 162 – 170.

As a homogenous nation-state, Poland was in an advantageous nationality situation compared to most other post-communist countries in the region. The country became a genuine nation-state only after the Second World War as a result of post-war border shifts and massive resettlement of minorities through which it acquired a compact territory and near-homogenous national composition. According to the 1990 estimation, 97.6% of the population was ethically Polish, with minorities representing only a tiny percentage: 1.3% German, 0.6% Ukrainian, 0.5% Belorussian.[94] There were also very small populations of Lithuanians, Slovaks and Roma people. That national composition made Poland the only post-communist country ethnically homogenous where the nation was fully contiguous with the state, eliminating most of the possible stateness problems that might occur in the course of democratic transition.[95] The absence of minorities did not entirely free the Polish population from ethnic prejudices which are sometimes manifested, particularly towards Gypsy and Jewish populations, yet the problem of the treatment of the residual minorities in Poland is more the problem of paternalism rather than all-out discrimination.[96] It is also continuously monitored by official institutions, among them the Parliamentary Standing Commission for National and Ethnic Minorities.

Similarly, Poland is free from territorial problems. In the aftermath of the events of the 1989 - 1991 Poland found itself sharing borders with seven new countries.Thus, it is a measure of success of Polish foreign and security policy that within a few years the Republic of Poland concluded border treaties with all the new neighbouring countries, regardless of the fact that some of them were traditional

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[94] Source: CIA – the World Factbook 2000, http://www.odci.gov/cia/publications/factbook; 30 December 2000.

[95] Linz, Stepan, *Problems*, p. 25.

enemies of Poland.[97] Post-communist Poland was not involved in any international or territorial disputes.

The national homogeneity resulted in cultural homogenisation. An overwhelming majority of the Polish population, over 95%, is Roman Catholic. Under totalitarian rule, the Church offered an alternative system of values to communism and effectively became a source of measured pluralism in the society. The Polish Church also supported the Solidarity movement and during Marshall law remained the only institution independent of the official authorities. This attitude gained the Church a powerful position and moral prestige in Poland at the start of democratic transition. Initially, the Catholic hierarchy found it difficult to adjust to the conditions of democratic pluralism in public life, however, with time the Church accepted the democratic rules of the game and does not constitute a threat to democratic consolidation. Polish language is the only official language, enshrined in article 27 of the Constitution.

The sustained statehood prevented the emergence of citizenship problems in Poland. The existing regulations remained mostly in force and the only amendments concerned the Polish emigrants and expatriates who had left Poland for various reasons during the war and in the post-war period of the communist regime. The issue of citizenship was not contiguous and essentially irrelevant to Polish post-communist transition.

Poland was well predisposed to democratic transition and consolidation. The near absolute congruency between the nation and the state, lack of territorial, linguistic or cultural disputes, and a general public support for democratic

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[96] Hieronim Kubiak, 'Poland: National Security in a Changing Environment', in Karp, *Central and Eastern Europe*, p. 73.

[97] For details see Kubiak, 'Poland', pp. 75 – 84 and Michta, *The Government*, pp. 22 – 23.

institutions were important assets. The presence of an organised opposition movement provided necessary resources to take over power from the communist regime and at the same time the popularity of the 'Solidarity' and its ethos assured the popular acceptance for the democratisation process, giving the post-communist state a very strong legitimacy, additionally underwritten by the Church.

While Czechoslovakia was a country with an inherent nationality problem concerning the Czech–Slovak relationship, the 'Velvet divorce' gave the Czech Republic a high degree of ethnic homogeneity and nation-state congruency. At the time of the split, the Slovaks and Roma constituted the largest minorities, each numbering about 1% of the population.[98] However, the Roma population is regularly subjected to ethnically motivated disrimination and deteriorating socio-economic conditions. There has been widespread violence directed against the Roma as well as occasional racist murders in the Czech Republic. The Roma problem does not have a typical character of an ethnic exclusion and minority issue, it rather illustrates a domestic political problem of the Czech Republic where racism and xenophobia toward the Roma people are often authorised by the official policy of local and central authorities. Despite numerous protests of the human rights organisations and international pressure, Czech politicians refuse to recognise the problem as a minority problem and insist that the Roma population is not an ethnic minority, but rather an economic migration.[99]

The territorial situation of the Czech Republic actually improved in the aftermath of the split. It emerged as a country territorially more compact and geopolitically located more westward. The state is now situated in the region of

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[98]Simon, *Czechoslovakia's Velvet Divorce*, p. 3.

political and economic stability, bordering with Austria, Germany and Poland, while Slovakia became a buffer zone between the Czech Republic and the unstable post-Soviet region and the Balkans.[100]

Following the split, the Czech Republic regulated all border issues. In November 1998 an agreement was signed with Slovakia regarding the redistribution of the former federal land, but the Czech parliament delayed ratification. The only potential territorial problem is linked to the claims of individual Sudeten Germans expelled from their lands after the Second World War who demand restitution of property. The problem created tension in Czech – German relations and caused anxiety in the Czech population in view of possible entry to the EU. However, the German Republic recognised the inviolability of the Czech border.[101]

The cultural and linguistic situation is very close to the nationality situation: after the separation the only nationality group culturally and linguistically distinct is the Roma population. However, due to their pariah social status no meaningful cultural exchange appears possible between those two national groups.

The issue of citizenship was more complicated and the separation required new regulation of the problem. The basic provisions for Czech citizenship were already regulated by a legal act in January 1993.[102] Citizenship was granted to the people who were permanent residents in Czechoslovakia and applied for it. With that, a preferential treatment was given to Slovak nationals for two years in the form of a shortened period of obligatory residency (2 years) and a simplified

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[99] *Czech Republic: Annual Report 1997.* http://archive.tol.cz/countries/czear97.html: 8.12.2000.

[100] Simon, *Czechoslovakia's Velvet Divorce*, pp. 2 – 4.

[101] CIA – The World Factbook.

[102] Law No 40/1993.

administrative procedure. Other nationalities had the obligatory period of Czechoslovak residency extended to five years.[103]

Certain provisions of the Citizenship Law and even more than that, certain administrative practices in its application led however to the discriminatory use of the law in some cases. Controversies arose with regard to the rule of single Czech citizenship, which led to the rejection of the citizenship applications from the people whose loss of citizenship rights was due to the communist persecutions and forced migration. Similarly, the Law denied continuation of the Czech citizenship to the Czech nationals who chose Slovak citizenship between January and December 1993. Even the ruling of the Constitutional Court in favour of one such person did not change the practice of the Ministry of Interior. The issue was finally taken up by the Helsinki Committee Citizenship Counselling Centre and in September 1999 appropriate legislative changes were adopted to rectify the 1993 Law.[104]

The real victims of the citizenship changes were however the Czechoslovak Roma people whom the Citizenship Law left in the Czech lands stateless for a variety of reasons. Some of them were denied citizenship on the grounds of criminal record or inability to prove their former residence, but in a great many cases the legal regulations were used in such a way as to reject their applications due to formal shortages.[105] Lack of legal advice and bureaucratic indifference of the Czech officials indicated that the Law was in fact used to eliminate Roma people as Czech citizens.

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[103] Michta, *The Government*, p.43.

[104] 'Citizenship Issues. Activities of the CHC Citizenship Counselling Centre and the Legislative Changes in 1999', *Report on the State of Human Rights in the Czech Republic 1999*, http://www.helcom.cz/en/report99, 8.12.2000.

The separation of the Czech Republic from Slovakia eliminated most stateness problems. Despite some confusion with which the public opinion in the Czech lands received the divorce from Slovakia, the new Czech state does not suffer from deficient legitimacy. On the contrary, the Czech Republic became a true nation-state, very homogenous in terms of nationality, language and culture. In addition, the Czech Republic maintained control over the central institutions of the state, therefore the Czechs were better positioned to see the new state in terms of the continuity of the previous one than the Slovaks were. Czech patriotism was traditionally less emotional and more 'withdrawn' than in most Eastern European countries; however, it was oriented towards institutions and the rule of law which gave a more civic character to Czech nationalism. The Czech attachment to democratic values and law are the main foundations of the post-communist legitimacy of the Czech Republic; it appears that the nationally motivated affiliation with the Czech state still needs to be fostered.

Ukraine could not claim any of the homogeneity advantages that Poland or the Czech Republic had. The nationality situation in post-Soviet Ukraine was very complex. The last Soviet census showed 72.7% Ukrainian, 22.1% Russian and 5.2% other nationalities in the Ukrainian republic.[106] However, the criteria for determining ethnicity were unclear and what in fact the census showed was that the declared national affiliation in Ukraine often did not match the language used. In fact, the main line of division in post-communist Ukraine was not ethnic, but ran between Russophones and Ukrainophones.

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[105] *Czech Republic: Annual Report.*

[106] All data quoted in Mykola Riabchouk, 'Civil Society and Nation-Building in Ukraine', in Kuzio, *Contemporary*, pp. 88- 89.

The policy of an independent Ukraine had to aim at improving the congruence between the nation and the state and increasing the identification of the population with the state in order to build a viable statehood, increase its legitimacy and democratise the political system. However, the very definition of what should constitute the Ukrainian nation presented numerous difficulties. A purely ethnic, territorial or linguistic criteria could lead to the narrow and exclusionist formula that would alienate great parts of Ukrainian population from *the* nation. In contrast, an open formula of the nation potentially threatened the Ukrainian claim to self-determination vis-à-vis Russia and worsened the stateness problems. The dilemma was reflected in a parliamentary debate over the constitutional preamble, but in the end an open, civic formula was adopted.[107] The Ukrainian nation was defined as the citizens of Ukraine of all ethnicities.[108] This, however, did not prevent ethnic disputes in the course of parliamentary works nor did it stop the parliament from adopting a policy of ukrainisation in the armed forces.

The most important territorial problem of Ukraine was not some formal dispute, but the insecurity surrounding the Ukrainian – Russian border. If one does not count the minor Ukrainian – Romanian dispute over the continental shelf of the Black Sea,[109] the only real Ukrainian territorial problem was the pro-Russian, separatist tendencies in Crimea. The desire for separatism grew between 1991 and 1995, yet in 1995 the parliament in Kiev severely limited Crimean autonomy and the government defeated local leaders in the Peninsula, preventing further escalation of

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[107] Kataryna Wolczuk, 'The Politics of Constitution Making in Ukraine', in Kuzio, *Contemporary*, pp. 130 – 136.

[108] First article of the Preamble to Ukrainian constitution.

[109] Listed in CIA Factbook.

the conflict by constitutional means.[110] Other than that, the Ukrainian territorial problems are of a psychological nature and are linked to the general uncertainty surrounding Ukrainian statehood.

Until 1991, the border between Russia and Ukraine was purely administrative. Russian authorities continued a similar approach long after that date, showing little or no respect for Ukrainian independence.[111] Thus, for Ukraine the problem of the Russian border was the problem of gaining the factual recognition in the eyes of Russia as an independent state. The first Ukrainian president, L.Kravchuk, carried a very reluctant policy towards co-operation with the CIS, aimed at assuring viability of the Ukrainian state in the eyes of Russians, but with little success.[112] The surveys carried out in 1992 in the Russian Federation demonstrated Russians favouring reintegration with Ukraine over all the remaining post-Soviet republics; the October 1993 poll showed the sense of 'oneness' that the Russians felt with Ukrainians: 81% of the respondents felt that Ukraine is a natural part of the RF. In addition, Ukrainian fears could be fuelled by successive surveys of 1993 which proved that the Russian were willing to defend their co-ethnics living in former Soviet republics and that that the empire-saving sentiments were on the rise in military circles with Ukraine and Belarus indicated as priority targets.[113]

The problem of the Russian-Ukrainian border and Ukrainian insecurity was obviously connected to the problems of an identity crisis in Ukraine and the lack of

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[110] Roman Laba, 'The Russian – Ukrainian Conflict: State, Nation and Identity', *European Security*, Vol. 4, No. 3, (Autumn 1995), pp. 457 - 487.

[111] Bukkvoll, *Ukraine*, p. 63.

[112] Paul D'Anieri, 'Interdependence and Sovereignty in the Ukrainian - Russian Relationship', *European Security*, Vol. 4, No. 4, Winter 1995, pp. 603 - 621.

[113] All surveys' results quoted in John B.Dunlop, 'Russia: in Search of Identity?', in Bremmer, Taras, *New States, New Politics*, pp. 57 - 64.

self-confidence of the Ukrainian power elite toward Russia. But, apart from its psychological aspects, the territorial dispute featured a real security dimension: Ukraine feared resurgent Russian and this fear was further aggravated by the strong pro-Russian sentiments of a large part of the population and a bitter dispute over division of the Black Sea Fleet. The tensions caused by the Russian dismissive stance on Ukrainian independence and the state border was reflected in the first military doctrine of independent Ukraine. [114]

The problem of state language and linguistic differences quickly became a sensitive issue in the post-Soviet Ukraine. In that country, however, language preferences represent a poor and potentially misleading instrument for determining ethnic composition or even national orientation of the Ukrainian citizens. In Ukraine, the language spoken seldom denoted national identity, which greatly complicated nation-building policy choices for the authorities.[115]

The last Soviet census of 1989 revealed a lack of correlation between ethnicity and the native language.[116] While only 22.1% of the population declared themselves Russian, over 33% of the total population of the Ukrainian Republic confirmed Russian as their 'native language'. That indicated that for a significant part of ethnic Ukrainians Russian was their native language. The results were even worse for the Ukrainian language when the respondents were asked about the 'language of convenience'. Here the survey showed that Ukrainophone Ukrainians make up over 40% of the population, Russophone Ukrainians – some 34% and

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[114] Bohdan Pryskir, 'The Silent Coup: the Building of Ukraine's Military', *European Security*, Vol. 2, No. 1, Spring 1993, p. 146.

[115] Dominique Arel, 'A Lurkin Cascade of Assimilation in Kiev?', *Post-Soviet Affairs*, Vol. 12, No.1, 1996, pp. 73 - 90.

[116] All datat quoted in Mykola Riabchouk, 'Civil Society and Nation-Building in Ukraine', in Kuzio, *Contemporary*, pp. 88- 89.

Russian – 21%. The survey result confirmed the empirical observations that Russian language prevailed in Ukraine, particularly in the big cities where Russophones were traditionally privileged. The Ukrainian language historically had a lower status than Russian and was spoken mainly in the rural areas, especially in Western Ukraine.[117]

The linguistic divisions presented a complicated dilemma: on one hand, a 'national' language is a typical component of national identity and therefore its promotion was a logical element of a nation-building processes; on the other hand, an official pursuit of a ukrainisation policy would inevitably alienate Russophones in Ukraine,[118] that is a significant part of the population. The policy finally adopted by the Ukrainian authorities was one of promoting Ukrainian language without persecuting Russian. The Ukrainian Constitution reflected that policy: while denying Russian language the status of a second state language, the Constitution guaranteed the 'freedom of development' to Russian and all other minority languages.[119] Despite such self-restraint in the official language policy, the results of building a nation-state in Ukraine were expected to cause shifts in language preferences in favour of Ukrainian.[120]

The language became a contentious issue also in the Ukrainian post-communist military. The Soviet army in Ukraine was 100% Russian-speaking and so was the 'Ukrainian' army shortly after its establishment in 1991. Yet, as one of the more important institutions in the new state and a symbol of national sovereignty and independence, the army could not speak a 'foreign' language for ever. The

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[117] Smith, *Nation - Building*, pp. 119 - 138.

[118] Khmelko, Wilson, 'Ethnic', p. 76.

[119] Kataryna Wolczuk, 'The Politics of Constitution Making in Ukraine', in Kuzio, *Contemporary*, p. 134.

[120] David D.Laitin, 'Language and Nationalism in the Post-Soviet Republics', *Post-Soviet Affairs*, Vol. 12. No.1, 1996, pp. 4 - 24.

Ukrainian authorities in the early 1990s implemented a fervent policy of administrative linguistic ukrainisation of the armed forces, as a result of which the armed forces turned into a battlefield between Russophones and Ukrainophones and the ethnic relations inside the military were seriously affected.

The citizenship policy was even more self-restrained and inclusive than was the language policy.[121] Already in November 1991 the Supreme Council of Ukraine issued a 'Declaration of the Rights of the Peoples of Ukraine' which guaranteed equal rights to everyone.[122] In October 1991, the parliament adopted a citizenship law, which unconditionally offered Ukrainian citizenship to all persons who had been residents of Ukrainian Republic at the time when the law was passed.[123]

Ukraine represents a country of an 'ahistoric' nation with weak identity and an underdeveloped concept of statehood,[124] where the collapse of the Soviet Union left an institutional vacuum.[125] Those features hardly predispose Ukraine to a fast and efficient transition. On the contrary, the extent of the stateness problem in Ukraine caused serious legitimacy problems and forced the authorities to put nation-building and state-building at the top of the political agenda, prioritising it over democratic reforms. The legitimacy of the Ukrainian state is one of the lowest in Central Eastern Europe; Ukraine as a nation-state was too weak to command the obedience of its people, also because at least some part of the population did not

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[121] Susan Stewart, 'Ukraine's Policy toward Its Ethnic Minorities' *RFE/RL Research Report*, Vol 2, No.36, 10 September 1993, p. 55.

[122] 'Dieklaraciya prav nacionalnostiey Uraini', published in *Pravo Ukraini*, No 1, 1992, p.5 (in Ukrainian).

[123] Paula J.Dobriansky, 'Nationalism and Democracy in Ukraine', *The Ukrainian Quarterly*, Vol. LI, No.1, Spring 1995, p.38.

[124] Prizel, *National Identity*, pp. 300 - 338.

want to be a part of this particular policy nor did they feel an ethnic or national affiliation with the Ukrainian state. The inclusive policy pursued by the authorities on nationality, citizenship and language were likely to improve the situation in the long run, yet the serious discongruity between the nation and the state at the start of the transition deprived the state of the fundamental legitimacy. As such, Ukraine was more than likely to have problems with completing democratic reform of the system.

Although Lithuania before the war was a relatively homogenous country, the treatment of minorities by Smetona's authoritarian regime was far from acceptable by today's standards. The constitutional changes and policies pursued by Smetona's authoritarian regime limited the political representation of the non-Baltic minorities, restricted their cultural autonomies and access to material resources of the state and excluded them from economic activities.[126] Polish – Lithuania relations were particularly bad due to the unresolved conflict over the city of Vilnus, and those anti-Polish resentments resurfaced after independence in 1991.

After the incorporation of Lithuania into the Soviet Union the authorities in the USSR encouraged a large scale internal immigration of Russians to the Baltic republic turning a relatively homogenous republic into a multi-national entity. However, despite those trends, the indigenous population continued to dominate local administrative and managerial posts, and by the late 1980s Lithuanians represented 91.5% of the cadres in the state apparatus.

Against the background of the other Baltic states, Lithuania on the eve of independence had a good nationality situation because ethnic Lithuanians constituted a majority in their republic and their quest for independence was

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[125] Motyl, *Dilemmas,* p. 54.

motivated by ethnic nationalism. [127] The last Soviet census in 1990 gave the following results: Lithuanian - 79.6%; Russian - 9.4%; Poles - 7.0%; Belorussian - 1.7%; Ukrainians - 1.2%; Jews - 0.3%.[128] Over the next few years the nationality situation further changed in favour of the ethnic Lithuanians, and by 1993 there were 81.1% of them, while the percentage of all the minorities declined to 8.5% Russians, 1.5% Belorussians, 1.0% Ukrainians, 0.2% Jews, 0.7% of other nationalities. Only the share of Poles remained stable at 7.0%.[129]

The relations with two of those minorities, that is Russian and Polish, features particular uncertainty and aggression at the start. Russia continued to symbolise a Soviet Union for the ordinary Lithuanian citizens[130] and the Russian declarations on protection of the Russian-speaking minorities in the near abroad did not help to improve the situation either.[131] As C.Stankevicius, then a Vice President of the Lithuanian Supreme Council remarked, the Lithuanians could not 'agree that the Soviets or Russians would treat our territory as part of their security zone. This notion is an extension of the Molotov – Ribbentrop Pact'.[132] With time, however, the Lithuanian authorities accepted the fact that co-operation with Russia was necessary because it was the largest neighbour and trading partner, therefore the ethnic issues

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[126] Hiden, Salmon, *The Baltic Nations*, pp. 55 – 58.

[127] Gerner, Hedlung, *The Soviet,* p. 54.

[128] Source: Vardys, Sedaitis; *Lithuania: the Rebel,* p.7.

[129] Saulius Girnius, RFE/RL Daily Report No 40, 28 February 1994.

[130] 'Wielki przegrany' (Great Defeated), interview with Vytautas Landsbergis, *Polska Zbrojna,* No 49, December 2000 in Polish.

[131] Birthe Hansen, Bertel Heurlin, *The Baltic States in World Politics,* (Surrey: Curzon Press, 1998), p. 6.

[132] Petersen, 'Security Policy in the Post-Soviet Baltic States', p. 33.

of the Russian minority were rather unlikely to cause Lithuanian – Russian conflict.[133]

The Lithuanian – Polish relations were burdened by their pre-war history and in the early 1990s Lithuanian treatment of their Polish minority provoked popular protests both in Lithuania and Poland.[134] An intensified security co-operation with Poland contributed to the improvement of the situation of the Polish minority in Lithuania, although the policy often lacked grass roots.[135]

The most serious problem however, may not be from the present, but comes from the past. Pre-war Lithuania had a large Jewish minority that was exterminated during the war. The ethnic Lithuanian population collaborated with the Germans in mass Jewish killings, but the problem of responsibility was a taboo topic during the Soviet years. Consequently, the contemporary generation refused to recognise the Lithuanian participation in the mass killings of the Jewish population and argued that they had been victims themselves. Over the eight years of independence, little progress was made in Jewish – Lithuanian reconciliation.[136]

As a rule, border problems of the Baltic states do not result from their policies, but from the attitude of Russia. Lithuania was the last state among the three former Baltic republics to raise a territorial claim against Russia and it was more a matter of border delimitation and adjustment than a territorial claim. This restraint might be partly explained by the historical precedent of 1940 when Russia had

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[133] Saulius Girnius, 'Back in Europe, To Stay', *Transition*, 4 April 1997, p. 8.

[134] Karpiński, 'Poland and Lithuania', p. 17 & 56.

[135] Wojciech Zajączkowski, 'Polish - Lithuanian Relations: the Complexities of Geopolitics.', in Monika Wohlfeld (ed.), *The Effects of Enlargement on Bilateral Relations in Central and Eastern Europe.* Chaillot Papers, No 26, June 1997, pp. 26 - 32.

[136] Ina Navazelskis, 'Conflicting Claims to Victimhood in Lithuania', *Transition*, 4 April 1997, pp. 24 – 27.

returned the city of Vilnus to Lithuania, therefore Lithuania was apprehensive of any revision of the post-war borders.[137]

Lithuania and Russia concluded a border treaty in 1997, however the agreement was not ratified by the Russian parliament.[138] The Russians made no secret of the fact that they treat the ratification of the border treaty as an instrument of political leverage and therefore are consciously delaying it.[139] Lack of ratified protocols complicate the issue of border control in all of the three Baltic countries,[140] as well as having a negative impact on Lithuanian attitudes towards Russia.[141]

Lithuania had a dispute with Latvia concerning oil exploration rights in the Baltic shelf; other than that, all the border issues were regulated.

Lithuanian cultural and linguistic situation features considerable homogeneity. The national culture combines secular and religious features and the two are closely intermingled.[142] The dominant religion is Roman Catholicism and the Catholic Church was also the institution which greatly influenced post-communist transition in Lithuania.[143] But, although traditionally the Church had close relations with the Lithuanian society, the years of Soviet occupation destroyed those relations and consequently in the post-communist Lithuania they are slowly being rebuilt.

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[137] Olav F.Knudsen, 'Cooperative Security in the Baltic Sea Region', *Chaillot Papers*, No 33, (Institute for Security Studies WEU, November 1998), pp. 17 - 18.

[138] 'Wciąż nieuregulowana granica' (Borders Still Not Regulated), *Biuletyn Ośrodka Studiów Wschodnich*, No 38, 21 October 1999, p. 12 (in Polish).

[139] Statement by Sergiey Baburin, Deputy Chair of the Russian Duma, quoted in *Biuletyn Ośrodka Studiów Wschodnich*, No 30, 19 August 1999, p. 11 (in Polish).

[140] 'Our Problems Are Europe's Problems', interview with Vytautas Landsbergis, *Transition*, 4 April 1997, p. 19.

[141] Interview with Laura Tupyte, Third Secretary, Security Policy Division, Political Department, Lithuanian Ministry of Foreign Affairs, May 1999.

[142] Interview with Dovilé Survilaité, Warsaw, Poland, April 1999.

[143] Vardys, Sedaitis, *Lithuania*, pp. 116– 117.

Lithuanian people showed great attachment to their lifestyle during the communist years and defended their culture and language as mainstays of their identity.[144] The research on the perception of security threats, conducted in Lithuania in the early 1990s revealed that the possibility of destroying the Lithuanian culture and lifestyle was recognised as a serious security threat.[145] By the same token, the preservation of language and cultural identity were prioritised in independent Lithuania. The cultural policy was included in the Law on the Basics of National Security as an integral part of domestic policy to ensure Lithuanian security.[146] According to the Law, it is the duty of the state to 'foster Lithuanian language and safeguard the intellectual potential and the cultural heritage of the Lithuania nation and ethnic communities'. [147] The Lithuanian constitution included provisions for the special protection of the language and culture. Article 14 of the Constitution recognised the Lithuanian language as the only official language of the state. The requirement of the use of the Lithuanian language was a source of anxiety among the minorities in the early 1990s, but the enforcement of those laws was much more lenient in Lithuania than was the case in other Baltic countries.

In contrast to the remaining Baltic states, Lithuania adopted an open and inclusive approach to the issue of citizenship. Article 12 of the Constitution stated that:

(1) Citizenship of the Republic of Lithuania shall be acquired by birth or on other bases established by law.

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[144] Interview with Dovilé Survilaité, Warsaw, Poland, April 1999.

[145] Petersen, 'Security Policy in the Post-Soviet Baltic States', p. 32.

[146] *Law on the Basics of National Security*, 1996, No VIII – 19, Chapter 5, p. 5.

[147] Interview with Dovilé Survilaité, Warsaw, Poland, April 1999.

(2) With the exception of cases established by law, no person may be a citizen of the republic of Lithuania and another state at the same time.[148]

Already in November 1989 the appropriate law was adopted in Lithuania, then still a part of the Soviet Union, adopting a 'zero alternative' option which granted citizenship to all people resident and employed in the republic for at least ten years.[149] The law also automatically extended the citizenship to post-World War Two immigrants and their descendants.[150] The sticking point, however, was the treatment of the former Soviet servicemen who acquired Lithuanian 'citizenship certificates' while being Soviet citizens in military service and as a result had dual citizenship. In April 1994 the Lithuanian Constitutional Court ruled that they received certificates unlawfully and their naturalisation was halted.[151] Although the situation affected only some 800 people, it immediately provoked negative response from the whole Russian minority. Generally speaking, however, the Lithuanian open policy on citizenship indicated that the nation felt relatively secure as a community.[152]

On the whole, the Lithuanian 'credentials' as a nation-state at the beginning of the democratic transformations were relatively strong. The country featured a very strong and well established national identity and the tradition, however short and shattered, of the modern statehood. As the Soviet republic, Lithuania was one of the leaders in the processes that led to the dissolution of the USSR, and the

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[148] The Constitution of Lithuania, of 25 October 1992. Official translation: Parliamentary Record (Supreme Council of the Republic of Lithuania), Publishing House of the Seimas, Vilnius, No. 11, 1992, pp. 2 – 31.

[149] Senn, 'Lithuania's', p. 85.

[150] Vardys, Sedaitis, *Lithuania*, p. 212.

[151] Dzintra Bungs, RFE/RL, Daily Report No. 73, 18 April 1994.

[152] Graham Smith, Aadne Aaslan, Richard Mole, 'Statehood Ethnic Relations and Citizenship', in Smith, *The Baltic States*, p. 183.

determination of the population in defence of its territory and independence confirmed the popularity of the idea of national-self-determination. It appears that the legitimacy of the Lithuanian state was not questioned by any significant political force in the process of liberation from the Soviet Union, even the republican communist party embraced the idea. Certainly, the independence was contested by the Russian and part of the Polish minorities, yet they represented a negligible part of society in terms of their size and political leverage. However, the post-communist legitimacy of the state was built mainly on patriotic sentiments and satisfaction with regained statehood. The Lithuanian early post-communist nation-state lacked a civic component to its national identity and its development. Gaining this through building the democratic institutions of a modern nation–state was the most important challenge for post-communist Lithuania.

Summary

The stateness disparities between the case countries can account for a number of differences in transitions in otherwise similar conditions. Where a state represents a well established entity and a nation has a strong sense of identity, then the interaction of the two processes is unlikely to cause problems for the stateness and democratisation. On the contrary, where identities are weak and the processes of state- and nation-building do not overlap, the stateness-related problems occur and are likely to hamper civil-military transition and democratic consolidation in the country.

The condition of stateness in each of the case countries was different. Judging by the stateness variable, Poland was the country best positioned for democratic transformation, because not only did it feature a many centuries long

tradition of nation and state and a high degree of nation-state congruity in the contemporary Polish Republic, but also the transition from communism to democracy did not discontinue its stateness.

Lithuania was for many centuries closely tied with Poland which complicated the task of national self-identification at the beginning and fostered some ethnically hostile attitudes and political tendencies in the early 1990. But, while the Lithuanian national identity survived Russian and Soviet occupations and remained strong, as the inclusive policy toward minorities demonstrated, the country has only modest and mainly undemocratic state traditions and therefore building democratic institutions should be its priority.

Czech Republic represents a reverse of the Lithuanian case: the Czechs are the only people in Central Eastern Europe who had a tradition of a sustainable democratic system and its traditional political culture was characterised by a strong civic component and respect for the institutions of democracy. At the same time, the national identity of the Czechs remained somewhat underdeveloped in the common Czech-Slovak state and was confused by the recent split. Therefore the national confidence of the Czech population should be more rooted before their stateness is finally established.

Ukraine is in the most difficult situation. Lacking both national and state traditions, having a difficult national, cultural and language situation and deficient legitimacy, it is unable to command full obedience from its citizens typical of other well established states. The persistence of Soviet elites is also a difficult problem to overcome. Ukraine was facing a very difficult path for transition, however, the cautious nationality policy pursued by the Ukrainian authorities and some progress in state- building processes give hope for a slow, but steady democratisation.

CHAPTER 4

RESTRUCTURING

Military Tradition.

The importance of the military tradition for the post-communist civil-military transformations stems from two factors. First, the military tradition is an element of the national identity of any nation-state, and as such defines its stateness to some degree. Secondly, the legacy of a particular military history defines the place of the military in the contemporary state, the prestige of the army and potential political leverage. These factors, in turn, have a direct impact on the development of civil-military relations in the countries undergoing democratisation processes. As the cases in this study demonstrate, a very high social prestige of the military as an institution can be detrimental to democratic transformation; however, an extremely low prestige of the military in a society may negatively influence the consolidation of democratic civil-military relations as well.

The post-communist Poland was singled out as an example of a direct correlation between the traditionally high social prestige of the military and problems with establishing democratic civilian control. Jeffrey Simon's explicitly warned that

> One has to keep in mind that Polish society holds the military in very high esteem and that historically the military has been used a number of times for

internal political purposes. Hence the ambiguity of command authority and weak civilian control over the military could be a recipe for disaster.[1]

But, while the military traditionally enjoyed a high social prestige in Poland, it was suggested by Simon that the relationship between the military tradition and the political leverage of the post-communist military was more complex. The Polish concept of statehood featured a strongly nationalistic component, added to the concept of motherland through the 19th century uprisings against foreign rule.[2] The history of heroic independence struggles provided the foundations for military traditions and prestige in Poland, yet the formative period of the modern identity of the Polish military was in the Second Polish Republic between the wars. The nucleus of the inter-war Polish army was formed by the wartime legionaries of Józef Piłsudski, the founder of the modern Polish state, and the participation of the legions in the liberation of Poland and achievement of independence earned the army great prestige and legitimacy. The army was regarded as the school of patriotism and preserve of national virtues in the pre-war society.[3] The victorious Polish war with Russia further added to the popularity of the armed forces.[4]

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[1] Jeffrey Simon, 'Central European Civil - Military Relations and NATO Expansion', in Anton Bebler (ed.), *Civil - Military Relations in Post-Communist States. Central and Eastern Europe in Transition* (Westport, Conn.: Praeger, 1997), p. 120; a similar approach can be found in Réka Szemerkényi, 'Central European Civil - Military Reforms At Risk', *Adelphi Paper* No 306 (London, IISS: Oxford University Press, 1996), pp. 54 – 55; Ben Lombardi, 'An Overview of Civil-Military Relations in Central and Eastern Europe', *The Journal of Slavic Military Studies,* Vol.12, No 1, March 1999, p. 22.

[2] For a concise history of Poland in English, see Norman Davis, *God's Playground: A History of Poland* (New York: Columbia University Press, 1984).

[3] Romuald Szeremietiew, *Czy mogliśmy przetrwać?Polska a Niemcy w latach 1918 - 1939* (Could We Have Survived? Poland and Germany 1918 - 1939), (Warszawa: Wydawnictwo Bellona, 1994), pp. 292 - 293, in Polish.

[4] Władysław Pobóg-Malinowski, *Najnowsza historia polityczna Polski*, (The Modern Political History of Poland), Vol.2, (London: Gryf Printers, 1956), p. 342, in Polish.

Direct military involvement in politics in the inter-war state did not however begin until the successful military coup of 1926 and reached its peak in the mid-1930s.[5] It was also in that period that the military developed a greater autonomy and institutions of self-government allowing an extremely strong corporate identity to emerge in the Polish armed forces.[6] This part of the pre-war military heritage was incorporated into the official view of the Polish military tradition with particular willingness by the General Staff after 1989, especially in the milieu of general Tadeusz Wilecki, the Chief of General Staff in Poland between 1992 and 1997.[7] References to the pre-war standing of the military, its corporate ethos or institutional autonomy and many publications on this subject contributed to the revival of the tradition.[8]

The issue of communist heritage for the Polish military tradition was much more difficult to deal with. As Rakowska-Harmstone noted, the communist military in Poland were always 'a schizophrenic army, ashamed of its role as a tool of foreign hegemony and responsive to the strong pull of national tradition'.[9] The army helped to rig the first post-war elections of 1947 and install a communist regime in

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[5] Pobóg-Malinowski, *Najnowsza*, pp. 454 - 654;

[6] F.Kusiak, *Życie codzienne oficerów Drugiej Rzeczpospolitej*, (The Everyday Life of the Officers of the Second Republic) (Warszawa: Bellona, 1992), in Polish.

[7] Interview with general Tadeusz Wilecki, *Polityka,* Nr 36, 9 September 1995, by Janina Paradowska and Jerzy Baczyński.

[8] Marek Brzezinski, Jerzy Zalewski, 'Ogniwa przedstawicielskie kadry zawodowej Wojska Polskiego' (Representative Institutions of the Professional Military in the Polish Army), *Studia i Materiały* No 6, (Warszawa: BPI MON, 1996), pp. 8 - 11; Tadeusz Sokolowski, *Apolitycznośćc i apartyjność. Podstawy prawne udziału żolnierzy w życiu publicznym* (Being Apolitical and Non-partisan. Legal Foundations of the Military Participation in Public Life) (Biuro Parlamentarne MON, 1996), pp. 14 - 19, in Polish.

[9] Teresa Rakowska-Harmstone, Christopher D.Jones, Jahn Jaworski , Ivan Sylvain and Zoltan Barany, *Warsaw Pact: Question of Cohesion Phase II, Vol.1. The Greater Socialist Army: Integration and Reliability* (Ottawa: Dept. of Defense, Canada, 1984), p. 205.

Poland, helped quell the workers protests on the Baltic coast in December 1970 causing many deaths and casualties, and participated in the Warsaw Pact intervention in Czechoslovakia in 1968.[10] One of the most painful aspects of the communist heritage was the treatment of pre-war army officers and often wartime heroes by the communist military. Many of them were admitted to the army early after the war or even promoted, only to be purged, arrested and sentenced to capital punishment or long imprisonment after the 1947 campaign of libels and defamation.[11]

On the other hand, the withdrawn posture and passive resistance of the military in Poland on many occasions checked the power of the totalitarian regime and lowered its coercive capability. This was the case in 1956 when the support of the military for the new party leader was decisive for a peaceful ending of the political crisis.[12] Moreover, after 1956 the army underwent a partial re-nationalisation, symbolised by the removal of Soviet Marshal Rokossovsky from the post of Polish Minister of National Defence. Similarly, during the 1976 workers' strikes the Minister of Defence warned the Central Committee that the military would not intervene and this declaration was decisive in calling off the price rises,

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[10] Jan Kofman, Wojciech Roszkowski, *Transformacja i postkomunizm* (Warszawa: ISPPAN, 1999), p. 68.

[11] The memoires of gen. Kuropieska illustrate vividly this sudden change. General Józef Kuropieska was a pre-war officer, taken POW in 1939, he came back to Poland after 1945 to join the army and was nominated to prominent positions. Arrested in 1950, he was subjected to a long and cruel investigation, then sentenced to death. After Stalin's death released in 1955 from prison and rehabilitated. Józef Kuropieska, *Nieprzewidziane przygody* (Unexpected Adventures) (Kraków: Wydawnictwo Literackie, 1988).

[12] Juan J.Linz, Alfred Stepan, *Problems of Democratic Transition and Consolidation. Southern Europe, South America and Post-Communist Europe* (Baltimore & London: 1996), p. 260.

the original reason for strikes.[13] Even the successful proletarianisation of the Polish army[14] and its increased professionalism in the 1970s and 1980s[15] did not eliminate the nationalist undercurrent from the army. During the 1981 martial law in Poland, the military made an impression of being of two minds: while the highest ranking officers ousted and replaced the civilian communists, many soldiers, NCOs and even officers showed benign attitudes toward the opposition. Janusz Onyszkiewicz, a prominent Solidarity member and later two times post-communist minister of defence, recalled:

> It was rather militia troops who would shoot. The army during the martial law was rather aside. I myself remember an advice from that time: look at the shoes. If they are brown - then you deal with the military, that means you have a chance. If black, then it is militiamen and they may really batter you.[16]

The Polish military entered the post-communist period having an uncertain and disturbed identity, presenting a 'blend of nationalism...and communism, which

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[13] Andrzej Korboński, Sarah M.Terry, 'The Military as a Political Actor in Poland' in Roman Kolkowicz, Andrzej Korboński (eds.), *Soldiers, Peasants and Bureaucrats. Civil - Military Relations in Communist and Modernizing Societies* (London: George Allen&Unwin, 1982), p. 172 and footnote 41.

[14] Józef Graczyk, 'Social Promotion in the Polish People's Army', in Jaques Van Doorn (ed.), *Military Profession and Military Regimes. Commitments and Conflicts* (The Hague and Paris: Mouton, 1968), pp. 88 - 93. According to statistical data quoted by Graczyk, due to a consequent policy of preferential treatment of the candidate from worker's and peasant's milieu, by 1964 as much as 81.1% of the officers were of worker's or peasant's origin, and only 18.9% had inteligentsia or craftsman descent. See p. 93.

[15] Michael Sadykiewicz, 'Jaruzelski's War', *Survival* No 26, Summer 1982.

[16] Janusz Onyszkiewicz, *Ze szczytów do NATO* (From the Peaks of the Mountains to NATO), (Warszawa: Bellona, 1999), p. 103 (in Polish).

set clear limits on nationalism'.[17] The post-communist officer corps was also unsure how to perceive their communist experience. Onyszkiewicz remembered that when he came to the MOD in 1990 as one of the first two civilian deputy ministers, 'on one hand there was a hangover in the army that it had once been used to coerce the uprising (Prague Spring), but on the other hand - alas - a patronising attitude: "there you go, they did not even fire once"'.[18] Equally divided were the military attitudes on the martial law. But the single most striking legacy was the resentment against an obtrusive political control. In fact, that resentment against the political officers and the control of the Main Political Administration (Główny Zarząd Polityczny) reached such intensity by the late 1980s that it became difficult to contain.[19] The apprehension of the post-communist military toward civilian intrusion slowed and impeded an establishment of mechanisms of civilian democratic control in the post-communist Poland.[20]

On the surface of things, it seemed that regardless of the complex communist history of the Polish military, the prestige of the profession remained intact. All the opinion polls indicated that the army was among the most trusted public institutions.[21] But a closer analysis of the relations between the military and society revealed a weakening of the traditional bond of trust between the army and the

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[17] Andrew A.Michta, *The Soldier-Citizen: the Politics of the Polish Army After Communism.* (Houndsmills, Basingstoke: Macmillan Press, 1997), p. 42.

[18] Onyszkiewicz, *Ze szczytów do,* p. 94.

[19] Interview with General Władysław Stelmaszuk, former Chief of General Staff 1989 - 1992, Warsaw, September 1997; Lech Kowalski, 'Wojsko polskie w procesie transformacji ustrojowej' (Polish Army in the Process of Systemic Transformation), *Studia Polityczne*, No 6, Warszawa 1996, pp. 54 - 55 in Polish.

[20] Interview with colonel Adam Kołodziejczyk, Director, Military Institute for Sociological Research, Polish General Staff, Warsaw, April 1999.

[21] See for example opinion polls published by *Rzeczpospolita* daily newspaper, 21 – 22 February 1998 and 30 – 31 May, 1998, in Polish.

public. The Polish military experience similar problems with the draft as do other post-communist countries: draft – dodging, worsening quality of the conscript pool, and negative attitude of the youth toward the service.[22] At the same time, the surveys carried out in the officer corps demonstrate the erosion of self-confidence among the officers and their growing frustration with the conditions of work.[23] In 1998 nearly 90% of officer corps negatively assessed the situation. But most importantly, there is a disparity between the society's high opinions on the military and the military's self image, according to which their profession lost prestige and social respect. The table below illustrate this process.[24]

Table 1.

Question: *In your opinion, did the attractiveness of the military profession generally change over the last 5-6 years compared to other professions in our country?*

%	SOCIETY	PROF. MILITARY
Increased significantly	7	6
Increased a little	27	19
Did not change	35	17
Diminished a little	15	19
Diminished significantly	4	36
Hard to say	12	3

[22] Włodzimierz Kaleta, 'Pobór bez wyboru' (Draft With No Choice), *Polska Zbrojna* No 18, May 1998 (in Polish).

[23] Col.Tadeusz Mitek, 'Nastroje pod Kreska' (Feelings Below Average), *Polska Zbrojne* No. 39, September 1998, p. 20; 'Gorzki smak reform' (A Bitter Taste of Reforms), *Polska Zbrojna* No 18, May 1996, p.18 (in Polish).

[24] Source for both tables: Stanisław Jarmoszko, 'Społeczne aspekty przemian w Wojsku Polskim' (The Social Aspects of Changes in the Polish Army), *Studia i Materiały* No 48, (Warszawa: BPI MON, 1998), p. 140 (in Polish).

Table 2

Question: *In your opinion, did the prestige and social esteem of the military profession change over the last 5 - 6 years in our country?*

%	SOCIETY	PROF. MILITARY
Increased significantly	7	7
Increased a little	27	28
Did not change	37	26
Diminished a little	16	22
Diminished significantly	4	16
Hard to say	9	1

The military tradition in Poland in itself did not offer a strong foundation for military involvement in politics. The military history featured a traditional bond of trust with the society and that was not entirely ruined in the communist period. Yet, based on the revival of the pre-war tradition of strong corporate autonomy and self-government, motivated by the resentment of civilian intrusions and encouraged by some post-communist politicians, the post-communist military in Poland developed an approach which aimed at 'achieving institutional independence from the civilian government without challenging the principal systemic foundations of the state'.[25] Unchecked by the politicians, gradually such attitudes developed to such an extent as to jeopardised democratic civil-military relations in post-communist Poland.

The situation of the military was traditionally different in the Czech lands. The first regular armed forces in the Czech lands were founded by emperor

[25] Michta, *Soldier - Citizen,* p. 9.

Ferdinand III in 1649 as part of the Austrio-Hungarian army. In 1781 a compulsory military service was introduced, of which however the noblemen, clergymen, intelligentsia and other higher classes were exempt. The Czech population generally perceived that army as an alien and hostile institution and although attitudes of passive resistance dominated, nevertheless occasional violent clashes between Czech nationalists and the military occurred.[26] During the First World War numerous Czech soldiers defected from the Habsburg army, and subsequently created Czech Legions in France, Italy and Russia as well as fighting against the Habsburg army. However, that distance and distrust of the military as an institution remained a defining feature of the popular Czech attitude to the armed forces untill today.

The Czechoslovak army that was created after the abolishment of the Austrio-Hungarian empire represented an improvised mixture of volunteers, legionnaires and members of the former Austrian army. This heterogeneity caused tensions, for example some soldiers refused to salute personnel from the former Austrian army. Gradually the situation calmed down, thanks to the new recruitment, but also because of the growing German threat. In 1920 the Czechoslovak parliament established a regular army and introduced compulsory military service. It is interesting to note that at that period soldiers usually served at units located near their homes, something that the post-communist Czech government wanted to introduce in the ACR in 1990s as a novelty.

The years 1920 – 1938 were a period of intensive investment in the Czechoslovak military, and despite persistent anti-military attitudes in the society,

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[26] Marie Vlachova, Štefan Sarvaš, 'From the Totalitarian to the Post-Totalitarian Military', in Anton Bebler (ed.), *Civil - Military Relations in Post-Communist States. Central & Eastern Europe in Transition* (Westport, Connecticut and London: PRAEGER, 1997), pp. 93 - 94.

pre-war Czechoslovakia managed to create a modern and relatively strong army.[27] The time around the Munich conference of 1938 was perhaps the only period when the military enjoyed great popularity and prestige in Czechoslovakia. There were high expectations that the army would defend the territorial integrity of the Federation and the mobilisation of 1938 seemed to confirm that. However, although the government took the decision to avoid armed resistance, it was the military that got the blame for the subsequent national humiliation and loss of sovereignty. The Czechs seemed confirmed in their opinion that the military was a useless institution.[28]

The Munich dictate came to symbolise treachery and treason in Czech political dictionary. When President Vaclav Havel wanted to warn against negative consequences of non-enlargement of NATO, he said that 'the Munich danger is again hovering over Europe'.[29] However, the resulting national trauma had a lasting and damaging impact on the Czechoslovak armed forces. The army never managed to recover its good name in the eyes of Czechoslovak society and the subsequent good performance of Czech divisions on many foreign fronts of the Second World War - Tobruk, Buzuluk, Dunkirk - could not save their prestige.

Following the 1948 communist putsch, the Czechoslovak army turned into the regime's mainstay, constitutional guardian of internal order and the major instrument of coercive power. The public perceived the military as the most solid

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[27] *History of the Czech Army*, materials of the Radio Praha, http://search.radio.cz/nato, 08.12.2000, p. 1.

[28] Otto Pick, 'Contribution', in *Behind Declarations. Civil – Military Relations in Central Europe (papers presented at the workshop in Budapest, March 22 - 23, 1996).* Defence Studies, special edition (Budapest: Institute for Strategic and Defence Studies, 1996), p. 19.

[29] RFE/RL Newsline, 13 March 1996, http://www.rferl.org.

part of the communist control apparatus and widely despised it.[30] Twice the communist army was used against civilians: in Plzeň in 1953 and in Prague and Brno in 1969 where it dispersed demonstrations commemorating the Prague Spring.[31] But perhaps the most shameful role assigned to the military was the re-educating mission, that is the task of reforming the 'bourgeois' and aristocratic elements of the society through work in the special construction units where they were put to hard, physical work. The slang name for such units was 'Black Barons' because of distinctive black epaulets on the uniforms and because of aristocratic origin of most 'soldiers'. At the same time the poor education, primitive behaviour and narrow-mindedness of the commanders of construction units became legendary in the Czech society.[32]

Under communist regime the Czechoslovak army became completely deprived of autonomy, both within the framework of the Warsaw Pact and the state apparatus. Despite a very high ratio of party membership in the officers and NCO's corps[33], the military influence on political decisions was negligible or moderate at best and if so, on regional or local level.[34] Due to the extreme importance of Czechoslovakia for the Warsaw Pact strategic planning, numerous Russian advisors were affiliated permanently in the MOD and their position was reinforced by a heavy presence of

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[30] Antonín Svěrák, 'Democratic Control of Armed Forces in the Czech Republic', in *Conference on Civil – Military Relations in the Context of an Evolving NATO* (Budapest: Ministry of Defence/Ministry of Foreign Affairs, 15 – 17 September 1997), p. 209.

[31] More on Czechoslovak army characteristics and activities under communist regime in Rakowska – Harmstone et al., *Warsaw Pact*, pp. 107 - 113.

[32] Otto Pick, Stefan Sarvas, Stanislav Stach, *Democratic Control Over Security Policy and Armed Forces* (Praha: Institute of International Relations, October 1995), p. 18 and footnote 16.

[33] Vlachova, Sarvaš, 'From the Totalitarian', p. 97.

[34] Vlachova, Sarvaš, 'From the Totalitarian', p. 95.

Soviet troops and military installations on the Czechoslovak territory.[35] Czechoslovakia was so bereft of control over its own defence that in 1983 the deployment of nuclear missiles on Czechoslovak territory started without the approval of the Czechoslovak government.[36]

The public image of the Czechoslovak military suffered another blow when the army did not resist the invasion of Warsaw Pact 'friendly armies'[37] in 1968 that brutally terminated the Prague Spring. Afterwards, the military underwent the biggest purge of all state institutions, when some 6 thousand military professionals were sacked.[38] Then in 1989 during the 'Velvet revolution' the Czechoslovak army was the only communist military to consider an armed intervention.[39] When that became public, the distrust of the military only deepened in Czech society. The public assessment of the communist period was generally damaging to the good name of the army: 'during the 40 years of communist rule, life in the barracks degenerated into a training ground for alcoholism, substance abuse, aggression, bad language and shirking.'[40]

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[35] Miloslav Púčik, 'The East – West Security System and the Czechoslovak Army in the First Half of the 1960s', *The Journal of the Slavic Military Studies,* Vol. 10, No. 4, December 1997, pp. 50 – 62.

[36] Pick, Sarvaš, Stach, *Democratic Control*, p. 19.

[37] Andrew A.Michta, *The Government and Politics of Postcommunist Europe* (Westpoint, Connecticut & London: Praeger, 1994), p. 33.

[38] Miroslav Purkrabek, Anton Rašek, 'K politicke, socialni a vojenske rekonstrukci Cs. armady v demokraticke revoluci', *Vyber Stati*, August 1991, pp. 5 - 7.

[39] Some sources indicate the General Staff involvement in preparation of two operations: *Zasah* and *Vlna*: there were also rumours that on 20 November 1989 the army was given orders to assist security forces in putting down demonstrations. See Jeffery Simon, *Central European Civil - Military Relations and NATO Enlargement* (Washington D.C.: National Defence University), p. 306; Thomas S.Szayna, *The Military in a Post-Communist Czechoslovakia*, A RAND Note, N-3412-USDP, 1991, p. 20.

[40] *History of the Czech Army*, p. 3.

The military tradition was only a minor element of the Czech national identity. Some people even claim that the Czech do not have a real military tradition at all.[41] The army was made a scapegoat of a series of political disasters that befell Czechoslovakia in the twentieth century, because 'the public is not interested in the political and military consequences of (political) decisions...but in the results of military inaction.'[42] Furthermore, historical events led to the formation of the Czech national myth of the impossibility of conducting a successful defence and so the army was always treated as an unnecessary luxury. Last but not least, the Czech and Slovak officers did not merge into one identity within the Czechoslovak officer corps, partly due to a conscious party policy[43] but instead maintained their separate national identities. Consequently, ethnicity issues additionally weakened the prestige of the army and played a significant role in the break-up of the Federation.[44]

However, certain aspects of the Czech military tradition represent a positive legacy for the development of democratic civil-military relations. Most of all, this is the tradition of an unambiguous subordination of the military to the civilian superiors throughout its history and the implacable record of army non-intervention in political affairs. The Czech army is the only army in the Central Eastern European region that was never involved in the governing of the country.[45]

In Ukraine, the issue of military tradition was equally as complicated and wrought with controversies as the issue of national identity. The problem became

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[41] Otto Pick, 'Contribution', pp. 19 – 20.

[42] Štefan Sarvaš, 'Attitudes of the Czech Republic toward National Security, the Military, and NATO Memebership, *The Journal of the Slavic Military Studies*, Vol. 11, No 3 (September 1998), p. 61.

[43] Púčik, 'The East – West', pp. 71 – 73.

[44] Dale Herspring, '"Refolution" in Eastern Europe: The Polish, Czech, Slovak and Hungarian Militaries', *European Security*, Vol. 3, No. 4, Winter 1994, pp. 678 – 679.

[45] Daniel N.Nelson, 'Civil Armies, Civil Societies, and NATO Enlargment', *Armed Forces and Society*, Vol.25, No.1, Fall 1998, p. 139.

relevant in 1991 when the Ukrainian authorities were forming a 'national' army from the Soviet troops. Tradition was to foster the national self-determination of the soldiers and serve as a frame of reference for the new identity of the military.[46] Furthermore it was important to offer the military a 'national' model alternative to the Soviet legacy that could promote Ukrainian patriotism in the army.

The problem was, the Ukrainian military tradition was not truly 'national' but rather belonged to the histories of the countries that had ruled Ukrainian territories in the past. Therefore, Ukrainian authorities based national military tradition on celebrating Cossacks military achievements. The Cossacks were portrayed as the people of honour and patriotism, and the bearers of the traditional virtues of the Ukrainian people.[47] In order to avoid difficult issues such as the delicate problem of the Cossack service for the Russian Tsars, Ukrainian authors tended to concentrate on 'safer' aspects of the Cossack traditions, for example their struggle with the Turco-Islamic world.[48] The overall goal was to substitute the 'cult of Suvorov and Zukov' with the names of famous Cossack hetmans, like Sahaydachni, Mazepa and others.[49] In 1992 special courses were organised for the officer corps, educating them in a 'patriotic' version of the national tradition of Ukraine.[50]

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[46] Ilya Prizel, *National Identity and Foreign Policy. Nationalism and Leadership in Poland, Russia and Ukraine* (Cambridge: Cambridge University Press, 1998), p. 2.

[47] Andrew Wilson, *Ukrainian Nationalism in the 1990s. A Minority Faith* (Cambridge: Cambridge University Press, 1997); p. 186.

[48] For example Orest Subtelny, 'Cossack Ukraine and the Turco-Islamic World', in Ivan L.Rudnytsky (ed.), *Rethinking Ukrainian History*, (Edmonton: The Canadian Institute of Ukrainian Studies, University of Alberta, 1981), pp. 120 - 135; see also Wilson, *Ukrainian Nationalism*, p. 187.

[49] 'Novie w sistiemi vihovania', *Ukrainskie Slovo,* April 1997, p.3.

[50] 'Ukrainoznawchi studii viyskovih', *Ukrainskie Slovo,* April 1997, p.3.

The issue of military tradition became really problematic when it came to reinterpreting the actions of the Ukrainian Insurgent Army (UPA) and the Organisation of Ukrainian Nationalists[51] and 'the military journals began slowly chipping away at the Soviet image of the UPA'.[52] What for the nationalist circles symbolised Ukrainian bravery and heroism and was a part of the myth of resistance and liberation struggle,[53] was unacceptable for the former Soviet officers who had been socialised to the image of the UPA as a fascist force compromised through collaboration with the Germans. Attempts at rehabilitating the UPA received a mixed reception from the Ukrainians and were condemned by the Russians.[54]

The issue of UPA activities became so contentious because for the majority of the Ukrainian officer corps the Soviet military tradition and particularly the victory in WWII was the only viable military legacy.[55] Therefore, those officers in many instances felt force-fed with the national tradition of Ukraine, and protested. Fostering Ukrainian tradition at the expense of the Soviet heritage could even threaten an inter-ethnic accord inside the military and was often received as a repetition of Soviet style indoctrination. As one journalist put it, an idea to form the Ukrainian army 'in a way of mechanical replacement of internationalism into nationalism' collapsed. 'Stories about the heroic uprisings of the insurgents did not manage to replace the war history of the Soviet Army from which the absolute

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[51] See Petro L.Sodol, 'UPA - The Ukrainian Insurgent Army. An Overview.', *The Ukrainian Quarterly*, Vol.21, No. 2 - 3, Summer -Fall 1995.

[52] Wilson, *Ukrainian Nationalism*, p.186.

[53] S.Marchenko, 'Na storozi doli Ukraini', *Ukrainskie Slovo*, No 48, 1997 (in Ukrainian).

[54] 'Whatever one would say, the attempts to rehabilitate *banderites* represent a intention to rehabilitate the regime no less cruel and murderous than stalinist.' This is an opinion of a Soviet historian D.Tabachnik, in 'Krasnaya Zviezda'. Quoted in Yuriy Lukanov, *Trietiy priezidient. Politichniy portriet Lieonida Kuchmi* (Kiev: Taki Spravi, 1996), p.129.

majority of the officers derives its position'.[56] The attempts to invent a national military tradition for Ukraine were unconvincing, and if anything, only contributed to the politicisation of ethnicity of the army.

Lithuania had a much clearer idea regarding a national military tradition, but although some problems of the legacy of the Polish-Lithuanian Commonwealth held a potential for controversy, the main concern of the Lithuanian authorities was rather the Soviet heritage. In total rejection of the Soviet heritage, the Lithuanian parliament had already in 1990 declared the re-establishment of the pre-war Lithuanian state[57] and so stressed the continuity of the national statehood. Guided by the same desire, on 19 November 1992 the Seimas re-established the Armed Forces of the Republic of Lithuania as a continuation of the inter-war Lithuanian military and later set the date of the Lithuanian Army Day on 23 November, on which day the armed forces of the newly independent Lithuania had been formed in 1918.[58] In that process of resurrecting the pre-war military traditions, the role of the Lithuanian military in ending democracy in Lithuania and installing the authoritarian regime was not however mentioned. The military was selected to be yet one more symbol of the glorious inter-war statehood.

Historically, the military did not play any significant role neither in the assertion, nor in the loss of Lithuanian independence. Consequently, whilst the military were never popular, neither were they particularly unpopular and the end of

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[55] Yuriy Borisov, 'Ultra-nacyonalisti predlagayut sformirovat' novuyu armiyu', *Sievodnia*, No 169, 7 September 1995 (in Russian).

[56] G.Kliucznikov, 'Soyuz Sovietskih Oficierov z'diot vriemieni 'CH', *Niezavisimoye Voyennoye Obozrienniye* No 22, 28 November 1998 (in Russian).

[57] Alfred Erich Senn, 'Lithuania's First Two Years of Independence', *Journal of Baltic Studies*, Vol. XXV, No. 1, Spring 1994, p.81.

[58] Albert M.Zaccor, 'Lithuania's New Army', *The Journal of Slavic Military Studies*, Vol.7, No. 2, June 1994, p.203.

Soviet rule did not change that. As Lieven observed, none of the Baltic armies had to

> fight wars of independence. It follows that the various national paramilitary forces, and the new national armies, lack the prestige which comes from being seen as the 'saviours of the nation'...Some of today's paramilitary groups would like to portray themselves in this light, but the reality is that it was crowds of ordinary, unarmed Baltic civilians who saved their countries in January 1991 by placing their bodies in the path of the Soviet tanks.[59]

Only in the inter-war period did the Lithuanian army enjoy a high prestige in the society as an attribute of sovereignty. The prestige of the military crashed and vanished however after the Soviet occupation of Lithuania in 1940, when the Lithuanian army failed to stage even a symbolic struggle. It was because in 1940 the Red Army seized all the military and technical equipment of the Lithuanian forces, including the military stores, so preventing military mobilisation and armed resistance.[60] The population, however, completely lost confidence in the military and the trauma was so deep that even in 1990 Lithuanians used to say that they would not repeat the mistake of 1940 and were prepared to fight with the Soviets if necessary.[61]

The wartime experience led to the replacement of the respect for the army with a cult of partisans. The large guerrilla forces that were formed during the war and in the years 1944 to 1953 wage a partisan war against German and Soviet occupation had a great influence on the shaping of the military tradition in

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[59] Anatol Lieven, *The Baltic Revolution. Estonia, Latvia, Lithuania and the Path to Independence* (New Haven & London: Yale University Press, 1994), p. 78.

[60] I.Skrastins, 'The Armed Forces of the Baltic States. Current Status and Problems of Development', *The Journal of Slavic Military Studies,* Vol. 8, No.1, March 1995, p. 36.

Lithuania. The respect for partisan warfare later was visible in the defence doctrine and security policy of independent Lithuania.[62]

The military in contemporary Lithuania do what they can to eliminate the Soviet 'odour' from the army, revive national military tradition and prestige in Lithuania. The roots of contemporary formations of the army are not only traced back to the inter-war period (the example of the 'Iron Wolf' division is a case in the point), but also to the more remote historical periods of 15th and 16th centuries.[63] Despite those efforts, the Lithuanian army enjoys little social prestige, although the principle of the 'blank slate' and progress of democratisation slightly improved the standing of Lithuanian army in the eyes of society.[64]

De-communisation, De-politicisation, Re-nationalisation.

De-communisation of the military was the first priority of the post-communist government because of the need to discontinue party – army bonds.[65] The goals and mechanisms of de-communisation and de-politicisation were nearly identical and their implementation also served to boost the legitimacy of the army and liberate it from the Soviet legacy.[66] Re-nationalisation was necessary to a

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[61] Lieven, *The Baltic Revolution*, p.80

[62] See Albert M.Zaccor, 'Guerrilla Warfare on the Baltic Coast: A Possible Model for Baltic Defence Doctrines Today?', *The Journal of Slavic Military Studies*, Vol. 7, No. 4, (December 1994), pp. 682 - 702.

[63] Zaccor, 'Lithuania's New', p.203.

[64] Interview with Bartas Trakymas, Assistant to the Chairman of Parliamentary Committee on National Security and Defence, Vilnus, February 1999.

[65] James Gow, Carol Birch, *Security and Democracy: Civil - Military Relations in Central And Eastern Europe*, London Defence Studies No 40 (London: published by Brasseys for Centre for Defence Studies, September 1997), p. 12.

[66] See Anton Bebler, 'The Evolution of Civil – Military Relations in Central and Eastern Europe', *NATO Review*, August 1994, pp. 28 – 32.

varying degree in each of the countries, yet it was a more contentious process because it touched on the issues of nationality and ethnic relations inside the post-communist military. In that there were stateness problems involved, the issues related to tradition and identity would inevitably be conflict-prone.

In Poland, the processes of de-communisation and de-politicisation of the military were moderate in form, and did not cause additional divisions in the army. This was partly due to the 'protection' of the armed forces guaranteed by the Round Table agreement (both the first post-communist president and minister of defence were communist representatives), but also to the ease with which the Polish army shook off the political structures thanks to the deep resentment of the professional military towards MPA and political officers.

The most important changes took place in 1990. The infamous MPA (Główny Zarząd Polityczny) was disbanded, and following the verification process, over 2000 political officers were transferred to the newly established educational services, while the rest of them was discharged from the armed forces. The second important step was the elimination of the Military Internal Service (WSW) and the creation of a new body, the Military Police, with only a fraction of former WSW functionaries re-employed for the service. Finally, the former military intelligence and counterintelligence services were reorganised into the new Military Information Service.[67] Only the personnel of the special services was subject to a regular and systematic screening procedure, as a result of which over 60% of the original staff

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[67] For more detailed data on the de-communisation process in Polish Armed Forces see Paul Latawski, *The Transformation of the Polish Armed Forces: Preparing for NATO* (London: The Royal United Services Institute for Defence Studies, 1999), pp. 6 – 11.

changed by 1997.[68] Dismantling the communist party structures and the withdrawal from politics were received favourably by the armed forces,[69] but the idea of large scale screening of the officer corps was compromised by the first civilian Minister of Defence Jan Parys.[70] His aggressive anticommunist attitude combined with obsessive distrust of the military and fear for his personal safety isolated him from the officer corps and earned a bad reputation for the de-communisation policy he represented and the civilian leadership in general.[71] He was dismissed after denouncing an unspecified 'plot of the generals' in the end in 1992 during the meeting in the General Staff Headquarters, allegedly inspired by the presidential office, but the memory of the 'Parys affair' haunted the MOD – General Staff relations for a long time.

The official abandonment of the idea of screening the officer corps preserved the cohesion of the Polish post-communist army, and prevented possible political conflict between the government and the president. Nevertheless, the idea of lustration[72] enjoyed some support in the armed forces. Surveys of the professional cadres proved that the majority of officers consequently backed the idea of

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[68] 'Tudne pytanie o gwarancje' (A Difficult Question about Guarantees), interview with admiral Kazimierz Głowacki, Chief of Polish Military Intelligence (WSI), *Polska Zbrojna* No 36, September 1997, pp. 10 - 11.

[69] Interview with Robert Lipka, Under-Secretary of State for Social and Parliamentary Affairs, Polish MOD, Warsaw, October 1998.

[70] Romuald Szeremietiew, *W prawo marsz! O polityce i wojsku* (Turn Right! On Politics and the Military) (Warszawa: Chrześcijański Klub Przedsiębiorców, 1993), p. 170 (in Polish).

[71] Onyszkiewicz, *Ze szczytów*, pp. 143 - 144; interview with General Władysław Stelmaszuk, former Polish Chief of General Staff 1989 - 1992, Warsaw, September 1997.

[72] The term 'lustration' is used to describe the post-communist processes of de-communisation which differed from typical court trials in that the main aim of the screening procedures was to identify the collaborators of the former communist special services and ban them in one way or another from public life.

screening.[73] The majority of supporters came from the remote garrisons, where the military formed a small and hermetic society and the fact that politically compromised officers were left in service aroused bitterness here.[74]

The process of dismantling party structures in the military was completed by the military withdrawal from politics. The 1992 amendment of the Bill on Professional Military Service[75] introduced new regulations, which prohibited the officers' membership in political organisations or associations, banned electoral propaganda from military sites, and prohibited military engagement in political campaigns in their professional capacity.[76] Again, those measures were well received by the cadres.[77]

While the legal regulations provided for political neutrality of the military, the principle was not observed by the politicians, especially at the time of the parliamentary election campaign of 1993 and around the presidential elections of 1995, during which president Wałęsa and his associates were responsible for instigating numerous breaches of military neutrality. [78] The media reported several

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[73] Tadeusz Mitek, 'Lustrowanie bez emocji' (Lustration without emotions), *Polska Zbrojna* No 29, July 1999, p.16. In 1999 55.1% of the surveyed military supported the idea of screening the military personnel.

[74] Interview with minister Robert Lipka, October 1998.

[75] Law of June 1970, amended, *Dziennik Ustaw* 1992, No 4, title 16.

[76] Sokołowski, *Apolityczność*, pp. 29 - 38.

[77] Henryk Dziewulski (ed.), *Stan apolityczności wojska i kadry zawodowej w świetle opinii żołnierzy zawodowych WP* (The State of Political Neutrality of the Army and Professional Military Personnel in the light of opinions of the Professional Soldiers of the Polish Army) (Warszawa: WIBS, October 1995), p. 11; Czesław Ochenduszka, *Swiadomośćc obywatelska i orientacje społeczno - polityczne środowisk wojskowych. Dynamika przemian i cechy szczególne* (Citizen consciousness and socio-political orientations of the military. Dynamics of the changes and its peculiar features.) (Warszawa: WIBS, January 1997), p.13. in Polish.

[78] Interview with colonel Krzysztof Pommes, Deputy Director of Public Relations Office, Polish MOD, June 1997.

cases of canvassing inside the military establishment[79] and the additional guidelines on political neutrality, issued by the successive Ministers of Defence before each election, did not help to stop the abuses of military neutrality.[80] The practice ended after Lech Wałęsa lost the presidential elections, and the parliamentary elections of 1997 were free of such incidents.

De-communisation and de-politicisation of the military in Poland had limited scope and objectives and did little to damage the army's cohesiveness. The elimination of political control, both in its structural and personnel dimension, was welcomed by the Polish military and so was the idea of political disengagement. However, after the removal of the party control bodies the civilian politicians did not fill the institutional vacuum, particularly after the ungrounded accusation of the first civilian minister of defence Jan Parys compromised the idea of democratic civilian control to the post-communist military. Thus, the Polish post-communist army emerged from the de-politicisation process as an institution with 'a core of highly

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[79] *Gazeta Wyborcza*, August 16, 1995.

[80] Before each election the Minister of Defence was reminded of the principle of neutrality.

1. *Wytyczne Ministra Obrony Narodowej z dn. 11 czerwca 1993 r. w sprawie przestrzegania w kampanii wyborczej do Sejmu i Senatu ustawowo określonych zasad apolityczności Sil Zbrojnych i apartyjności zolnierzy* (Ministry of National Defence Directive of 11 June 1993 on Observance during the Parliamentary Election Campaign of the Statutory Principles af the Political Neutrality an the Armed Forces and the Non-Partisanship of Servicemen). Completed by additional guidelines issued on 22 July 1993 by Janusz Onyszkiewicz.

2. *Wytyczne Ministra Obrony Narodowej z dn. 27 maja 1994 w sprawie wyborów do rad gmin oraz uzupełniających wyborów do Senatu RP* (Ministry of National Defence Directive of 27 May 1994 in the election to local governments and complimentary elections to Senate), by Piotr Kołodziejczyk.

3. *Wytyczne Minister Obrony Narodowej w sprawie udziału żołnierzy w wyborach Prezydenta Rzeczpospolitej Polskiej 5 listopada 1995* (Ministry of National Defence Directive on the participation of the soldiers in presidential elections), by Zbigniew Okoński.

professional officer corps and limited direct civilian oversight over them',[81] which greatly complicated the subsequent reform of the defence management in Poland.

None of that benign, restrained policy towards the post-communist military's de-communisation could possibly be traced in the Czech Republic. The Czech process of de-politicisation and de-communisation had its own, internal dynamics and differed from most countries in the region in the prolonged and highly oppressive character of the screening processes.

On discovering the military preparations for intervening in 1989 the first post-communist administration prioritised the de-communisation de-politicisation of the armed forces over other military reforms for the safety of the transition. And, contrary to Poland, 'the Czechoslovak leadership did not presume that its officer corps was loyal. In fact, it made exactly the opposite assumption; namely, that they were disloyal until they proved otherwise.'[82] Between December 1989 and May 1991 the Main Political Administration was dissolved, political officers abolished, and party organisation declared illegal in the army. By order of the Minister of Defence all the military were to resign their membership of political parties. In 1991 the parliament adopted a Law No. 361/1992 which prohibited political activities of the military or electoral campaigns on military sites. Also, it banned military membership in trade unions.[83] Still, minister Vacek and the subsequent ministers: Dobrovsky, Baudyš, and Holaň were criticised for not being bold enough in the

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[81] Thomas S.Szayna, F.Stephen Larrabee, *East European Military Reform After the Cold War. Implications for the United States* (Santa Monica, CA.: RAND, 1995), p. 34.

[82] Herspring, 'Refolution', p. 675.

[83] Szemerkényi, 'Central European Civil - Military', p. 38;

implementation of de-politicising measures[84] and their sometimes symbolic character. For example, the Klement Gottwald Academy for political officers was simply renamed the Advanced Military School of Pedagogy and political structures remodelled into the Directorate for Training and Culture.[85] In general, the Czechoslovak military welcomed the disengagement from politics and only very few of them resigned from the army to continue political activities. The elections of 1992 and 1994 (municipal) demonstrated that the interest of the professional military in political careers was low.[86]

In 1990 the new oath was presented to the Czechoslovak armed forces, which provoked some unrest in the military and caused some 24% of the officer corps (usually younger officers) to leave the service.[87] Parallel with the Czechoslovak de-communisation the large scale rehabilitation process of the officers dismissed from service in 1948 and 1968 was initiated. The rehabilitation processes took an unprecedented scale and pace - in the years 1990 - 1992 according to the ministerial sources 9500 former military personnel were rehabilitated and among them 1120 restored to service.[88] Between 1990 - 1992 the representatives of this group held most prominent positions in the military, for example general Karel Pezl was the Chief of General Staff, Antonin Rašek (also former military) - civilian First Deputy Minister of Defence and Head of Department of Education and Culture,

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[84] Pick, Sarvaš, Stach, *Democratic Control*, p.32.

[85] Herspring, 'Refolution', p.675.

[86] Interview with Jiři Dlukoš, Personnel Division, Legislative Directorate, Czech MOD, Prague, September 1999. Vlachova, Sarvaš, 'From the Totalitarian', p.98; Szemerkényi, ' Central European', p. 50.

[87] Pick, Sarvaš, Stach, *Democratic Control*, p. 44.

[88] Miloš Balabán, 'Nevládni organizace a armáda', in Štefan Sarvaš a kolektiv výzkumného týmu, *Bezpečnost a armáda v moderní společnosti* (Praha: University Karlovy, Fakulta sociálních věd), 6/1997, p.131.

General Greiner was the Head of Personnel Department, and they were the greatest proponents of the harsh de-communisation policy.

The Czechoslovak authorities carried out a large scale policy of lustration. Screening of the officer corps began in 1990, and sped up after the enactment of the Czechoslovak Lustration Law at the end of 1991. Following the division of the Czechoslovak Federation, a similarly bold Lustration Law was passed by the Czech parliament in July 1993, after which in April 1994 another round of military screening was approved.[89] The law obliged every professional soldier at the rank of colonel or above to apply for a certificate that he had not collaborated with the communist special services. The process covered over 7,000 officers and around 18% of them had to leave the army due to a positive verdict (that is, that they were collaborators).

The de-communisation of the military in Czechoslovakia and later the Czech Republic is difficult to assess. Its proponents indicated the fact that the entire communist leadership of the Czechoslovak army was replaced by the new cadres; some 15% of the total officer corps left the army, and the majority of them were the highest ranking communist military from the MOD and the General Staff. The lustration also led indirectly to the replacement of the military minister of defence Vacek by the first civilian Minister of Defence, Luboš Dobrovsky in October 1990. According to the supporters of harsh de-communisation, this process was necessary for the recovery of the social trust in the military and conducive to the introduction of civilian control.[90]

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[89] Michta, *The Governments*, pp. 41 - 42.

[90] Interview with general General Karel Pezl, former Chief of Defence Staff 1991 – 1993 and presidential security advisor, Officer of the President, Czech Republic, Prague, September 1999.

The opponents of the severe de-communisation indicated the uncontrolled loss of young and dynamic cadres from the military,[91] humiliation of the soldiers by the never-ending screening procedure and their growing resentment against civilian authorities as well as lowering of the cohesion and combat readiness of the Czech army. Last but not least, the method of screening was unjust because a number of colonels and generals avoided the lustration simply by being moved to a lower grade position.[92] Finally, there is a measure of bitter irony in the fact that the country with such a degree of 'experience' in screening was the one that was forced to withdraw several of its representatives from NATO structures after accession to the Alliance due to delays in security screening.[93]

A measured de-politicisation was also carried out in Ukraine, however the authorities in the newly established state faced a different set of challenges than the problems encountered in Poland or the Czech Republic. Technically speaking, Ukraine inherited the Soviet military already without the MPA structures. The MPA was officially abolished in the Soviet military by Gorbachev's decree in the aftermath of the failed Moscow coup, on 30 August 1991.[94] Ukrainian authorities replaced the MPA formed in 1992 with an influential Social-Psychological Service under Volodymyr Muliava, who championed the nationalising policy of

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[91] Jiři Obrman, 'The Czechoslovak Armed Forces: The Reform Continues', *RFE/RL Research Report*, 7 February 1992, pp. 48 - 49.

[92] Interviews with Captain Štefan Sarvaš, Senior Research Associate, Research Department, Czech MOD, Prague and colonel Adam Zając, Polish Military Attaché, Embassy of Poland, Prague, September 1999.

[93] Press conference of the Chief of the General Staff of the Army of the Czech Republic, Lt. General Jiři Sedivy, http://www.army.cz./zpravy/english/leden/pressgen.html; 04.12.2000.

[94] Robert V.Barylski, 'The Soviet Military before and after the August Coup: Departization and Decentralization', *Armed Forces & Society,* Vol. 19, No. 1, Fall 1992, p. 41.

'ukrainisation' in the armed forces for about a year.[95] Also, the first package of laws on defence and security in Ukraine, passed by the parliament in 1992, included a ban on military political activity in service and prohibition of military membership in the political parties.[96] Article 37 of the Constitution later confirmed those legal provisions. These steps were about as far as the process of 'de-communisation' and de-politicisation went in the post-Soviet Ukrainian armed forces, which was hardly surprising, given the communist provenance of the ruling elite.

Under the pressure of the stateness problems, the authorities chose to concentrate on nationalising policy instead. In an effort to build loyalty to independent Ukraine and its constitutional authorities, the so called 'ukrainisation' policy was introduced in the armed forces. The policy was also motivated by the fact that the persistence of the Soviet officers in the Ukrainian army was recognised as a threat to independence and to be a potentially explosive issue in 1992.[97] It was understood that:

> …the professional officer who joined the armed forces of the USSR, served in various areas of the old union and the former Warsaw Pact, and in general believed in the rectitude of the union and the ideals (insofar as he understood them) it represented: internationalism, socialism, Marxism-Leninism. This might well be called a kind of 'Soviet nationalism'...The attachment of these

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[95] Wilson, *Ukrainian Nationalism*, p. 186.

[96] Valeriy Izmalkov, 'Ukraine and her Armed Forces: the Conditions and Process for their Creation, Character, Structure and Military Doctrine', *European Security*, Vol. 2, No.2, (Summer 1993), pp. 298 – 299.

[97] Phillip Petersen, 'Security Policy in the Post-Soviet Slavic Heartland and Moldova', *European Security*, Vol.1, No. 3 (Autumn 1992), pp. 298 & 342 - 343.

officers…to the old union was more visceral than intellectual, and the present situation seems to them both abhorrent and temporary.[98]

The main goal of the military ukrainisation was building a reliable tool of defence for the young Ukrainian state, and the fear of the influence of the Soviet officers' persistence in the army fuelled the nationalising efforts. Apart from the educational element, the ukrainisation was based on the forced administration of the oath of allegiance and the promotion of the ethnic Ukrainians in cadres. The policy was implemented by the first Minister of Defence, Konstyantyn Morozov, and the then powerful Union of the Ukrainian Officers, headed by V.Martyrosian, whose members took all the prominent positions in defence sector in the first year of independence.[99]

The exact national composition of the officer corps in Ukraine in 1991 is not known, but Soviet estimates showed 44.5% Russians, 40.5% Ukrainians and 15% other nationalities.[100] Ukrainian sources quote even higher numbers of Russian on 1 December 1992: 48% of Russian officers, 45% - Ukrainian and 7% - other nationalities.[101] Under first Ukrainian minister Morozov, the highest positions and

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[98] Thomas M.Nichols, 'An Electoral Mutiny? Zhirinovsky and the Russian Armed Forces', *Armed Forces & Society*, Vol.21, No.3, Spring 1995, p.332; for more general overview of characteristic typical Soviet mindset see the results of various polls carried out in 1992 and 1993 in Roy Laird, 'The Soviet Legacy 1994: *Homo Sovieticus* is Alive If Not Well', *European Security*, Vol.4, No.2, Summer 1995, pp. 225 - 240.

[99] According to Martyrosian, at its peak 15% of the serving officers were the UOU members and some 40% sympathised with its activities. Taras Kuzio, 'Civil Military Relations in Ukraine, 1989 - 1991', *Armed Forces & Society*, Vol. 22, No 1, Fall 1995, p.41. The organisation lost its political leverage and most members after minister Morozov's departure from office in 1993. G.Kliucznikov, 'Soyuz Sovietskih Oficerov z'diot vriemieni 'CZ', *Niezavisimoye Voyennoye Obozrienniye* No 22, 28 November 1998 (in Russian).

[100] Data of to the Soviet General Staff Organisation and Recruitment Directorate, cited by PAP (Polish Press Agency), Foreign Division, News No 154, 3 January 1992.

[101] 'Nacionalniy sklad Zbroynih Sil Ukraini', *Noviy Shliah,* No 40 / 1995 (in Ukrainian).

ranks were progressively staffed with ethnic Ukrainians in the belief that ethnic allegiance would guarantee sufficient levels of patriotism and loyalty to the Ukrainian state.[102] The ethnic proportion of the officer corps gradually altered in favour of the Ukrainians: on 1 December 1993 the Ukrainians already represented a majority of the officers, that is 52.9%, while Russians - 41% (the remaining percentage represents other nationalities); on 1 December 1994 - 55.3% Ukrainians and 38.7% Russian; on 1 Dec. 1995 - 59% Ukrainian officers and only 36% Russian. Moreover, by 1995 the heads of the main directorates in the central structures of the Ministry of Defence as well as all deputy ministers of defence were of Ukrainian nationality.[103]

As a rapid and effective instrument of ukrainisation, the oath of allegiance to the Ukrainian state was imposed. The procedure was initiated by Minister Morozov shortly after the referendum on independence and was administered in the beginning of 1992. The oath was partly a reaction to the Moscow August 1991 coup attempt, but it was also an element of the official ukrainisation campaign as well as allowing for a partial reduction of oversized forces through voluntary departure of certain numbers of professional officers to Russia. By administering the oath, the Ukrainian administration also wished to reiterate Ukrainian rights to the Black Sea Fleet (without success) and break the Soviet corporate structure of the officer corps.[104]

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[102] "If an individual was born in Ukraine, has Ukrainian roots or a connection with Ukraine because of familial relationships and serves Ukraine conscientiously, then there is no question about the individual's nationality. If an officer considers Ukraine and only Ukraine to be his homeland, if, as we sing in our national anthem, he is ready to give his life and soul for our liberty, then he should find a position in our armed forces. He should be allowed to serve Ukraine, the Ukrainian people". Interview with Konstantyn Morozov, *The Ukrainian Quarterly*, Vol. XLIX, No.3, Fall 1993, p. 250.

[103] 'Nacionalni sklad Zbroynih Sil Ukraini', *Nowiy Shliah,* No 40 / 1995.

[104] Bohdan Pryskir, 'The Silent Coup: the Building of Ukraine's Military', *European Security*, Vol. 2, No. 1, (Spring 1993), p. 146.

Failure to take the oath resulted either in posting the officer abroad or retirement, and for the enlisted personnel there was an additional option of being sent to their home republic. In the peculiar situation of Ukraine the oath had a strong anti-Russian and anti-CIS edge and put an end to the plans of a unified CIS army, which in 1991/92 were still under discussion.[105] The oath read:

> I, (name), upon entering military service, solemnly swear to the people of Ukraine to always be faithful and devoted to them, to conscientiously and honestly fulfil military duties, the orders of commanders, steadfastly uphold the Constitution and laws of Ukraine, safeguarding state and military secrets.
>
> I swear to defend the Ukrainian state, firmly stand for her freedom and independence.
>
> I swear to never betray the people of Ukraine.[106]

The administration of the oath was carried out generally in a moderate and non-selective manner, nevertheless some local authorities appeared over-zealous and in some places taking an oath was accompanied by filling a questionnaire with the question 'Are you ready to fight against Russians'?[107] There were also rumours that officers not taking the oath would not keep full pension rights.[108]

Excluding the Black Sea Fleet, only around 9500 officers refused to take the oath.[109] Among them there were some top commanders, for example the

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[105] Jacob Kipp, 'The Uncertain Future of the Soviet Military, From Coup to Commonwealth: the Antecedents of National Armies', *European Security Sudies,* Vol.1, No 2, Summer 1992, pp. 207 - 238; Sergei Rogov, 'Military Reform: Now or Never', *European Security*, Vol.1, No.1, Spring 1992, pp. 5 - 12.

[106] Quote from Pyskir, 'The Silent', p. 157.

[107] Interview with Galina Starovoytova, *Stolica,* No 23 (185), June 1994.

[108] 'Druga potęga Europy', (ptsz) *Myśl Polska*, 1 - 15 October 1993, p. 8.

[109] 'Ukraine to Transfer Officers Who Refuse to Swear Allegiance' , *The Ukrainian Quarterly*, No 3, October 1992, p. 367.

commanders of Kiev, Carpathian and Odessa military districts, who were promptly replaced.[110] However, many of the officers took the oath of allegiance for opportunistic reasons. The newspaper *Narodna Gazieta* estimated that only 30% of the officers swore loyalty for patriotic reasons, the remaining 70% was motivated economically or had other reasons.[111] Therefore, the success in numbers was hardly a guarantee of Ukrainian military loyalty against the Russians, and met with official protest from Russia and a counter-oath, administered to Russian troops.

The imposition of the Ukrainian language represented another element of the ukrainisation policy, and perhaps the most antagonising one.[112] Since the linguistic ukrainisation had not progressed since independence, in April 1993 a decree was passed which enforced the use of 'national' Ukranian language. The policy of linguistic ukrainisation was enthusiastically backed by Minister of Defence K.Morozov who blamed military commanders for the failure of the policy.[113] Linguistic policy of ukraininsation met with the growing resistance of the officer corps and was one of the factors behind the Morozov's departure. His successors, Radetskiy and Shmarov, adopted much a lower profile on the language issue. And while Minister Morozov was accused of the conscious discrimination of non-Ukrainians in the armed forces, his successors in turn were accused by nationalist

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[110] Pryskir, 'The Silent..', p. 148.

[111] 'Czom ti, armie, biezboronna?', *Narodna Gazieta,* No 36, September 1992 (in Ukrainian).

[112] 'Na zahist nacii', *Ukrainskie Slovo*, 31 December 1998, pp. 5 - 6. The newspaper published a series of abusive letters from the sixth army brigade denouncing linguistic ukrainization and expressing their outrage at not having Russian as a second official language and letters from the commanders of the brigade and higher officials reacting with anger at the abuse of national language, anti-patriotic attitudes, calling for trials etc. The overall publication captured the nature of the conflict that such state-sponsored promotion of the Ukrainian language provoked.

[113] 'Kak po - ukrainski Rawnieys', Smirno!', *Kuranty*, No 166, 2 September 1993, p.3.

newspapers of exactly the opposite.[114] On the whole, however, the policy of forced nationalisation of the Ukrainian army inflicted ethnic tensions and politicised the national issue of the military, but failed to achieve its goals of building national identity and loyalty to the new state.

Similarly, the attempts to disengage the military from current politics proved hardly successful. Although the appropriate laws were adopted, the military political neutrality was regularly breached. Practically all political parties competed for military votes and wanted to include military figures into their leadership.[115] At the same time, the social organisations of the officers, like an All-Ukrainian Union *Vitchizna*, created in 1996 under the leadership of gen. Vilen Martyrosyan (founder and former head of the Union of the Officers of Ukraine) or the National- Patriotic Union of Service Personnel *Honour and Fatherland*, were actively lobbying for military corporate interests and protection of the interests of the officer corps in the political elite.[116] This process had already started in the last years of the Soviet Union and continued in the independent Ukraine.[117] In 1997 there were over 30 various 'social' organisations of the military in Ukraine and their number was increasing.[118]

The other trend characteristic of the post-independence Ukrainian military was the relatively large numbers of professional soldiers running for parliament. This was with active support being provided by the MOD who was driven by a

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[114] For example S.Lisniy, 'Z ukrainskoy armii viganiayut usie ukrain'skie', (Everything Ukrainian is got rid of in Ukrainian army - in Ukrainian), *Shliah Peremohi*, No 29, 1995.

[115] G.Kliuchnikov, V.Larciev, 'Elliektorat <cvieta khaki>, s kiem ty?', *Kievskiye Viedomosti*, 5 September 1997.

[116] G.Kliuchnikov, V.Larciev, 'Eliektorat'.

[117] Yang Zhong, 'The Transformation of the Soviet Military and the August Coup', *Armed Forces & Society,* Vol. 19, No 1, Fall 1992, p. 65.

[118] G.Kliuchnikov, V.Larciev, 'Eliektorat'.

desire to create its own military lobby in the legislature. In the elections of 1998 seventy senior officers ran for parliament, among them 19 generals and 26 colonels. Newspapers headlines read: 'Bad is a colonel who does not want to run for parliament'.[119] Among the candidates was the former Minister of Defence Vitaliy Radet'sky and head of logistics in the MOD, gen. Dmitriy Rukovodsky who both had a permission granted by the Minister of Defence gen. Kuz'muk.[120] Another interesting feature of the military candidates was that a great majority of them represented the 'educational' structures within the MOD or from military academies, many of them former political officers. All of them lost in the elections.

There can be little doubt that beyond getting rid of the MPA's political control, the Ukrainian military did not welcome the de-politicisation or nationalising policies that were implemented by the authorities. Contrary to the official expectations, the policy of ukrainisation induced more identity confusion into the military than it built its loyalty to the new state. Similarly, the legal efforts to separate the military from current politics were invalidated by the tacit agreement to military political involvement on the part of the politicians and the higher military echelons. However, it must be noted that on no occasion did the Ukrainian army try to blackmail the authorities or threaten the government into a change of policy. Rather, the military were interested in fostering their corporate interests and protecting autonomy, and their opposition to the ukrainisation policy was expressed in general through passive resistance. Despite its own identity and professional problems, at no point of the transformation did the Ukrainian army pose a direct

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[119] S.Zguriec, 'Ploh tot polkovnik, kotoriy nie hochiet stat' dieputatom', *Dzien',* 10 March 1998.

[120] Interview with gen. Kuz'muk, 'Voyenniye poka jeszczio vieriat', *Zierkalo Niedzieli,* No 49 (166), 6 December 1997.

threat to the government or the political system of the country. Under Ukrainian circumstances, that must be regarded as success of transition.

In Lithuania, there existed an equally great potential for harsh lustration as there was in the Czech Republic, due to a widespread fears of the subversive activities of the former KGB agents[121] whose large, though incomplete, archives had been left intact in the territory of Lithuania.[122] Yet, in the end the screening procedures were limited to civilian politicians and carried out with a margin of extra tolerance for ethnic Lithuanians.[123]

Upon asserting the independence, Lithuania decided against the use of the Soviet army remnants as the basis for its national army. The problems of de-politicisation, de-communisation and re-nationalisation were solved in Lithuania by the way of a total rejection of the Soviet model and the re-establishment of the pre-war Lithuanian military on 19 November 1992.[124] By doing that, the Lithuanian parliament symbolically stressed the continuity of the national military tradition and at the same time, initiated the process of building the Lithuanian army from scratch. The three processes of de-politicisation, de-communisation and re-nationalisation were in fact blended into one process of getting rid of the Soviet armed forces and starting with a clean slate. In October 1992 the Constitution of Lithuania was

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[121] Philip Petersen, 'Security Policy in the Post-Soviet Baltic States', *European Security,* Vol. 1, No. 1 (Spring 1992), p. 34.

[122] Senn, ' Lithuania's First', p. 83.

[123] Anton Steen, 'Consolidation and Competence: Research On the Politics of Recruiting Political Elites in the Baltic States', *Journal of Baltic Studies,* Vol. XXVII, No. 2, Summer 1996, pp. 143 - 146.

[124] The forming of national army started in Lithuania prior to this date, thus the decision of the Lithuanian parliament had primary a symbolic dimension. See Gintaras Tamulaitis, *National Secuirty*

adopted which included harsh regulations on military political neutrality. Article 141 provided that people in military or police service of any kind were not allowed to be members of Seimas (parliament) or local councils, neither could they hold elected or appointed posts in the State civil service. Political membership or activity while in service were also prohibited.[125] These regulations are more severe than in most other post-communist countries. Furthermore, their inclusion in the constitution gave them a high priority and emphasised the importance of excluding the military from Lithuanian political authorities.

In the aftermath of the parliamentary decision on establishing the national army, the situation of the Soviet armed forces stationed in the Baltic republic changed to one of a foreign, occupational force. In the popular referendum in May 1992 the Lithuanian population called for their immediate withdrawal. After complex negotiations and some foot-dragging on the part of Russian military leadership, in August 1993 Russia completed withdrawal of the military from Lithuania in accordance with the agreed deadline.[126]

The Lithuanian army obtained the status of a national force, unburdened by Soviet legacy. But while such a radical approach had many advantages, nevertheless the image of a new start was largely an illusion. Although the Lithuanian authorities made an attempt to base the formation of the army on the paramilitary voluntary forces, for example National Defence Volunteer Force or even some sport

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and Defence Policy of the Lithuanian State, Research Paper No 26, (New York and Geneva: United Nations Institute for Disarmament, 1994), p. 14.

[125] Chapter Thirteen, article 141, Constitution of the Republic of Lithuania.

[126] V.Stanley Vardys, Judith B.Sedaitis; *Lithuania: the Rebel Nation* (Boulder, Colo. And Oxford: Westview Press, 1997), p. 196; & Alfred Erich Senn, 'Lithuania: Rights and Responsibilities of Independence', in Ian Bremmer, Ray Taras, *NewStates, New Politics: Building the Post-Soviet Nations* (New York and Cambridge: Cambridge University Press, 1997), p. 373.

associations,[127] nevertheless it quickly became evident that the creation of a modern, effective force required military experts, and the only military specialists available in sufficient numbers were ethnic Balts with a history of service in the Soviet army.[128] The former Soviet officers brought Soviet type military culture and routine into the national Lithuanian army and liquidated many advantages of the radical rejection of the Soviet military legacy. Those 'red colonels' later became an obstacle in the process of implementing democratic principles to the civil-military relations in the Lithuanian armed forces, yet the problem was primarily a generational one.[129] Moreover, the assistance from NATO experts and co-operation with Nordic countries helped to overcome this problem in the course of transition.[130]

New Mission of the Post-Communist Military.

Redefining the military mission in the post-communist states and formulating the national defence doctrines was a difficult, but necessary task for all the former Warsaw Pact members. Its primary significance lay in the reorientation of the army from an offensive to a defensive force and its subordination to the national chain of command. Secondly, a revised definition of the military role in the state had to exclude possibility of the internal use of the military, except for situations allowed by law, for example the assistance in the situation of a natural disaster. Thirdly, the formulation of defence doctrines was necessary to define the security interests of the

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[127] *White Paper '99*, Ministry of National Defence of the Republic of Lithuania, Vilnus 1999, p. 29.

[128] Albert M.Zaccor, 'Problems in the Baltic Armed Forces', *The Journal of Slavic Military Studies*, Vol. 8. No.1, March 1995, p. 53.

[129] Algirdas V.Kanauka, 'Virtues and Pitfalls of Civilian Control of the Military', in *Conference on Civil – Military Relations in the Context of an Evolving NATO* (Budapest: Ministry of Defence / Ministry of Foreign Affairs, September 1997), p. 57.

[130] Interview with Major Rimas Litvinas, Defence Attaché, Embassy of Republic of Lithuania, Warsaw, August 1999.

post-communist states in the changed political and security environment and consequently to determine the direction of the military reforms.

Unstable domestic situations, the hamstrung national capacities of strategic planning within the Warsaw pact, lack of the necessary resources, of expertise and particularly civilian expertise, fluctuating international environment, and identity problems in some of the countries complicated the task. The draft doctrines were completed in all the countries with varying speed and skill, yet everywhere the doctrines had a character of interim documents, waiting for some definite changes in domestic or international situation.

The first attempt to revise the security fundaments of the communist regime in Poland was undertake very early on, in 1990. Later this document was elaborated into a 'Security Policy and Defence Strategy of the Republic of Poland', adopted in November 1992 by the Home Defence Committee (KOK), in the conditions of an unpredictable international security environment. The doctrine formulated a concept of defence in all directions, but at the same time acknowledged the asymmetry of threats and the smaller probability of total war compared with an outbreak of a small scale conflict. The document stressed the importance of international co-operation and included integration with WEU and NATO as the goal of Polish security and defence policy. Thus, from the military point of view, the doctrine 'presented a contradictory agenda'.[131]

The 1992 doctrine was clearly a transitional document, aimed at making a clear break with the communist concept of security. It included declaration that Poland did not regard any country as its enemy, and formulated the new tasks for the

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[131] Latawski, *Transformation*, p. 14.

Polish military, defined in a traditional way as a national defence and humanitarian missions. The document did, however, depart from hard – security orientation in Polish defence policy and took note of non-military security factors, such as economic strength and legitimacy of the socio-political system.[132]

Despite the repeated declarations from the Polish officials that the defence doctrine needed revision, the new document was not prepared before Poland acceded to NATO in 1999. Similarly, the traditional notion of the military mission was not reformulated and according to the Polish Constitution of 1997, the mission of the Polish Armed Forces is to protect the independence of the state, the integrity of its territory and inviolability of its borders.[133] This definition, in view of the high profile given to Polish participation in the humanitarian and peacekeeping operations in the 1990s, appeared obsolete as well, but at least separated the military from a police role. And, despite the lack of up-to-date doctrine, the profound reforms of the Polish defence sector and legislative changes that took place in the meantime radically reoriented the Polish defence system from the Warsaw Pact offensive posture to defensive tasks. However, on defence doctrine Poland adopted a wait-and-see approach, and left the formulation of the national defence strategy waiting for the accession to NATO.

Even more important difficulties were encountered by the Czech Republic. A process of formulating the new mission for the post-communist military in Czech Republic was slow and carried out primarily in connection with NATO enlargement,

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[132] Hieronim Kubiak, 'Poland: National Security in a Changing Environment', in Regina Cowen Karp (ed.), *Central and Eastern Europe: The Challenge of Transition* (Oxford: Oxford University Press and SIPRI, 1993), pp. 90 - 101.

[133] Constitution of the Republic of Poland, art. 26.

which is hardly surprising given the Czech general scepticism regarding its national defence capabilities. The Czech public thinking on security presented a strange paradox: on one hand there was a conviction that the national defence was impossible, on the other hand public support for NATO enlargement was also low and one of the reasons for that was fear of losing sovereign control over the Czech's own defence resources.[134] But the 'Velvet divorce' was yet another, often overlooked factor which delayed the preparation of defence doctrine: the separation of the Czech Republic from Slovakia radically changed the Czech strategic view of its situation in Europe.

The relative geographical shift of the Czech Republic westward and its separation from Ukraine and unstable post-Soviet area by the Slovak 'buffer zone' dramatically altered the Czech perception of external political environment and policy perspectives.[135] The new government decided to reorient Czech foreign policy towards rapid integration with the Western structures, and the priority was given to economic integration over the defence policy. This was carried out at the expense of regional co-operation, partly because the Czechs feared that due to their small size and limited defence capabilities the country could be sidelined in the regional politics. It was also argued that the country faced no military threat and therefore the resources should be utilised for economic transformation.[136] In the aftermath of the 'Velvet Divorce' the Czech Republic practically withdrew from the

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[134] Štefan Sarvaš, 'Attitudes of the Czech Public towards National Security, the Military, and NATO Membership', *The Journal of Slavic Military Studies*, Vol. 11, No. 3 (September 1998), pp. 60 & 73.

[135] Jeffery Simon, *Czechoslovakia's 'Velvet Divorce', Visegrad Cohesion, and European Fault Lines.* McNair Paper 23, Institute for National Strategic Studies, National Defence University (Washington D.C., October 1993), pp. 1- 6.

[136] On co-operation in the Visegrad Group and Czech changing position, see Ferenc Gazdag, *The Visegrad Countries Towards NATO*, Defence Studies (Budapest: Institute for Strategic and Defence Studies, 1997), pp. 32 – 37.

Visegrad Group and ended security and military co-operation with Poland, Hungary and Slovakia. However, the main reason for freezing co-operation was the conviction in the Czech government that the country would stand a better chance of rapid integration with the West while acting alone and that other Central European countries would only slow down the Czech accession processes both to the EU and NATO.[137]

That new orientation in Czech foreign and security policy was reflected by the first post-communist defence doctrine adopted by the government in December in 1994 and approved by the parliament in January 1995. The document, called 'Military Strategy 1996 – 2005', outlined the ways of development, preparation and use of the army. The 'Strategy..' stated that the Czech Republic had no enemy and that military aggression on its territory in the near future was not likely.[138] That official approach corresponded with a noticeable decline in public security concerns.[139] But while downplaying the risk of major military confrontation, the 'Strategy..' pointed to other military and non-military security threats, which could possibly draw the Czech Republic into armed conflict. These were political and economic instabilities in Eastern Europe or the Balkans, regional crises, terrorist attacks, mass migrations or industrial disasters. The document also reflected the political priorities of the Czech government's policy. It stressed the non-aligned status of the Czech Republic and the principle of all-round defence. The 1994 doctrine assumed that the Czech Republic would become a member of NATO in the

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[137] Sylwester Przybyła, *Podejście Republiki Czeskiej do bezpieczeństwa w regionie* (Czech Approach to the Regional Security); Ministry of National Defence (Warsaw: MON, Wydawnictwo Adam Marszałek, 1996), pp. 5 – 7 & 11 – 17, in Polish.

[138] Stephane Lefebvre, 'The Army of the Czech Republic: A Status Report', *The Journal of Slavic Military Studies*, Vol. 8, No. 4 (December 1995), p. 724.

[139] Sarvaš, 'Attitudes', p. 60.

future, it did not, however, contain any provisions for development of regional security co-operation. Instead, the document stressed the readiness of the Czech army to participate in the operations conducted under the auspices of the global and regional organisations, mainly UN and OSCE.[140]

The 1994 doctrine was an interim document which soon became obsolete and needed revision. The Strategy failed to produce a definite plan for the armed forces development, which in turn resulted in the random restructuring of the military and a poorly defined, oversized and unclear procurement policy.[141] Secondly, the Czech policy of distancing itself from the other countries in the region backfired. Devaluing regional co-operation was received negatively in the West, and so the Czech government was forced to reinterpret its foreign policy concept and came back to selected regional co-operation structures.[142] Finally, as the NATO enlargement process accelerated, the Czech Army urgently needed a long-term strategy of development that would allow the ACR to meet NATO standards.[143] In fact, the drive to join NATO was at the core of Czech thinking on security doctrine. In 1997 Prime Minister Klaus admitted that a number of legislative documents on security strategy were adopted or pushed forward 'because the government was induced indirectly to approve the documents by the realisation that NATO would decide at its 1998 summit about future members'.[144]

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[140] *White Paper on Defence of the Czech Republic,*(Prague: Ministry of National Defence, 1995), pp. 10 – 19.

[141] 'Country Briefing: the Czech Republic', *Jane's Defence Weekly,* 20 May 1998, p. 21.

[142] Gazdag, *The Visegrad..*, p. 36; Przybyła, *Podejście Republiki Czeskiej*, p. 35.

[143] René Nastoupil, 'The Czech Approach', in *Evolving Security Concepts and Defence Doctrines in Central and Eastern Europe*, Papers from the ISDS Conference, 11 – 13 June 1998, Defence Studies No 27 (Budapest: Institute for Strategic and Defence Studies, 1999), pp. 24 – 26.

[144] Štefan Sarvaš, *One Past, Two Futures? The NATO Enlargement Debate in the Czech Republic and Slovakia.* Harmonie Paper 4 (Groningen: Center for European Security Studies, 1999), p. 27.

Driven by the prospect of NATO membership, the Czech authorities between 1997 and 1998 prepared a revision of the Military Strategy. The new National Defence Strategy of March 1997 was followed up by the 'Conceptual Plan for the Development of the Czech Armed Forces till the Year 2000 with a Perspective till the Year 2005'. This plan in turn became the basis for the final 'Plan for the Armed Forces till 2005 With a Perspective till 2008'.Then, at the beginning of 1998 The Constitutional Law on the Security of the Czech Republic was adopted.[145]

These documents were consistent with the former definition of security threats and assumed that conflicts of limited objectives and local spheres of activity constitute were the most important potential military risks to the country.[146] It defined the mission of the military as defence of the country, but the strategy stressed the preparations for inclusion of ACR into NATO collective system. However, the new doctrine also brought to the fore the need to create a credible territorial defence.[147] The National Defense Strategy defined types of security situation (peace, emergency, and danger to the state, war) and laid out tasks of state bodies, e.g. government, parliament etc. correspondingly to the situation.[148] The military part of the doctrine brought the Czech strategic concept in line with NATO doctrinal principles, signalled the final move to the brigade system in the ARC, laid out the organisational structure of the army, assigned the forces under NATO command and earmarked for NATO, and finally specified the command and control

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[145] Law No 110/ 1998.

[146] 'Country Briefing', p. 19.

[147] Sarvaš, *One Past,* p. 28.

[148] René Nastoupil, 'Current Czech Defense Policy' *The Journal of Slavic Military Studies*, Vol. 12, No. 2 (June 1999), pp. 110 – 114.

systems on strategic, operational and tactical levels.[149] However, as some critics observed, the documents failed to streamline the organisational structures of the MOD and General Staff which later became a hindrance for the progress of military reforms.[150]

Commenting on the Czech approach to military and defence issues, external observers noted that 'the drive to join NATO...served as a substitute for a comprehensive defence strategy' in the Czech Republic.[151] It was even reflected in the Czech attitude to international missions. The authorities consistently supported Czech participation in international operations, from the presence of Czechoslovak personnel in the Gulf in 1991 to participation in all peacekeeping operations in the former Yugoslavia from 1992 onwards.[152] Czech troops were praised for their conduct, but unlike most regional PfP members, the Czech Republic had not created a joint unit with another country.[153] Rather than that, the Czech Republic had treated peace-keeping operations as a NATO 'useful pre-entry service', boosting military morale and enhancing the ACR's image.[154]

The process of formulating the new defence and military policy of the Czech Republic was slow, often inconsistent and lacking inter-agency co-operation. But above all, problems with definition of the geopolitical place of the Czech Republic

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[149] Sebestyén Gorka, *What;s in the Pack-Sack? – Contribution to European Security from Poland, the Czech Republic and Hungary.* Defence Studies No 26 (Budapest: Institute for Strategic and Defence Studies, 1999), pp. 38 – 43; Nastoupil, 'The Czech Approach', pp. 26 – 29.

[150] Conversation with Jiři Sedivy, head of Institute of International Relations in Prague, November 1999.

[151] 'Country Briefing', p. 19.

[152] Nastoupil, 'Current Czech', pp. 117 – 118.

[153] Country Files: Czech Republic. Annual Report 1997. http://archive.tol.cz/countries/czear97.html, 08.12.2000, p. 2.

[154] Interview with Col General Jiři Nekvašil, Chief of General Staff, *Jane's Defence Weekly*, 11 March 1998, p. 40.

and corresponding role of the military revealed the existence of problems from the sphere of stateness. After the separation from Slovakia the Czech Republic needed to redefine its strategic interests and establish its place on the international scene, and the process of elaborating national defence policy was influenced by the policy change that occurred in the aftermath of the Velvet divorce.

The making of the doctrine in Ukraine was from the start dominated by the problems of Ukrainian relations with Russia and by the desire to establish the country as a viable state on the international arena. In 1991 independent Ukraine was seen as a temporary aberration by Russia and only hesitantly recognised by post-communist Europe, while the US administration showed a considerable degree of confusion over the situation in post-Soviet republics and preferred to concentrate on Russia instead, where the possibility of internal destabilisation was seen as 'life-threatening'.[155] A paradox of the Ukrainian geopolitical situation was that the ruling elite wanted to pursue a broadly understood pro-European policy, while the current political and security situation was determined by Russia and issues of Russian – Ukrainian relations as well as the general uncertainty surrounding Ukrainian independence.[156] Under such circumstances, formulation of a projected foreign and security policy of Ukraine was an extremely complicated conceptual task. With that, Ukrainian authorities faced the need to determine the nuclear status of Ukraine, set the priorities in foreign policy, and formulate a prospective character and mission of the national army.

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[155] Michael Gfoeller, John Blaney, 'The US - Russian Relationship: Building an Economic Alliance', *European Security,* Vol. 2, No.2, Summer 1993, p. 274.

[156]Bohdan Nahaylo, *The Ukrainian Resurgence* (London: Hurst&Co., 1999), pp. 440 – 447.

The extremely cautious approach of U.S. administration and European countries to an independent Ukraine rendered the state politically isolated. Ukrainian authorities reacted to the international isolation by holding back on de-nuclearisation. Ukraine inherited both strategic and tactical nuclear weapons from the USSR, but the Ukrainian authorities repeatedly stressed their commitment to future non-nuclear status of Ukraine.[157] However, in 1992 the parliament delayed ratification of the START 1 Treaty[158] and the authorities halted the transfer of missiles and demanded additional security guarantees from the US in an effort to achieve higher international status for Ukraine, and possibly boost national self-respect.[159]

The Ukrainian foot – dragging on the nuclear issue, although understandable in view of the uncertain Russian security policy toward the 'near abroad' and uncertain position of American diplomacy nevertheless brought more harm than good to Ukraine. The possibility of Ukraine renouncing its non-nuclear status also caused concern in Central Eastern Europe.[160] The country found itself in complete international isolation, and gained the image of a belligerent, assertive state, thus

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[157] In the Declaration of Sovereignty in 1990, ' Declaration on Nuclear Armaments' of 21 December 1991 in Alma-Ata and 30 December 1991 Minsk Agreement on Strategic Forces. See Jason Ellis, 'The "Ukrainian Dilemma" and US Foreign Policy', *European Security*, Vol. 3, No. 2, Summer 1994, p.252.

[158] In 1991 one of the signatories of START I Treaty, the Soviet Union, disappeared. In order to avoid complex re-negotiations of the treaty with five post-Soviet nuclear partners, United States diplomacy led Russia, Ukraine, and the three remaining nuclear post-Soviet states to sign the Lisbon Protocol in May 1992, in which they pledged to ratify the START I and accede to the Non-Proliferation Treaty. Ukraine signed the Lisbon Protocol, therefore the delay in ratification signified a serious change of policy.

[159] John C.Baker, 'Non-Proliferation Incentives for Russia and Ukraine', *Adelphi Paper* 309 (London: IISS, 1997), p.33.

[160] Oleksandr Pavliuk, 'Ukraine and Regional Cooperation in Central and Eastern Europe', *Security Dialogue*, Vol. 28, No. 3, September 1997, pp. 351 - 352.

confirming the worst case scenarios presented by enemies of Ukraine.[161] Therefore, after two years of political struggle and international negotiations, Ukraine signed a trilateral treaty in January 1994 in Moscow with Russia and the United States, pledging to dismantle nuclear weapons in exchange for financial assistance and security assurances.

It was the nuclear controversy that caused the rejection of the first draft of military doctrine in 1992 and delayed the adoption of the full document.[162] The revised document was adopted on 19 October 1993. Ukraine reiterated its position of not holding territorial claims against any country or not perceiving any country as the enemy. However, the doctrine had a visible anti-Russian edge in the declaration that Ukraine would regard as a potential enemy any state whose policy consistently put its military security in jeopardy, interfered in its internal affairs, threatened its territorial integrity or infringed the national interests of the state.

The document declared the goal of gradual departure from a conscript to a professional army, and prohibited the use of the armed forces for the resolution of internal political problems. This was an important statement of intent to move away from Soviet practice toward democratic standards.

The nuclear question was treated in the 1993 document in an evasive manner, and only guaranteed that Ukraine would not strike first. The transient document indicated that Ukraine was determined to keep an independent military posture, but also demonstrated a Soviet type preoccupation with hard security and

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[161] Stephan Blank, 'Russia, Ukraine and European Security, 1991 - 1993', *European Security,* Vol.3, No.1, Spring 1994, pp. 182 - 207.

[162] Izmalkov, 'Ukraine ', p.299.

inclination to attain security through the creation of large and heavy armed forces, capable to deter aggression or repulse the enemy.[163]

The revised doctrine was approved by the Supreme Council of Ukraine (the parliament) on 16 January 1997 with the National Security Concept of Ukraine. By then, the international and security environment had changed in favour of an independent Ukraine. Therefore the Security Concept of 1997 was more balanced and less centred on Russia. One of the new themes was the inclusions of non-military national security threats to the document, such as political, economic, technological and environmental disasters and demand for a better understanding of the non-military dimension of national security by the armed forces.[164] The document also departed from Soviet era thinking of conflicts in terms of massive scale operations toward understanding the low-intensity, regional character of most contemporary conflicts.[165] The elaboration of the 1997 National Security Concept proved that Ukraine had developed a national political elite, capable of thinking in terms of state interest, analysing potential security threats and formulating mature responses to it. In the conditions of volatile Ukrainian stateness it was an achievement worth noting. However, the internal and external environment make the Ukrainian defence policy dilemma unresolvable. The country remained caught between Russia and the West, it co-operated with the CIS and NATO, participated in various international peacekeeping operations and continued to wait for a definite security option to emerge.

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[163] Charles J.Dick, 'The Military Doctrine of Ukraine', *The Journal of Slavic Military Studies,* Vol. 7, No. 3, September 1994, pp. 516 – 520.

[164] Interview with Alexander Manachinsky, National Institute for Strategic Studies, Kiev, Ukraine, October 1997.

[165] James Sherr, 'Ukraine's New Time of Troubles', *The Journal of Slavic Military Studies*, Vol. 12, No. 2 (June 1999), p. 65.

Lithuania, obviously, did not face many of the Ukrainian dilemmas, yet the formulations of the national defence doctrine was nevertheless a daunting task, given the limited resources and the size of the army that constituted primarily an attribute of the state sovereignty. Even the very idea of creating a national army was not initially very popular in Lithuania, the Ministry of Defence was originally called the Social Security Department and its personnel showed a degree of commitment to non-violent methods of resistance.[166] As many as 72% of the population did not regard army defence abilities deserving of credibility.[167]

Popular threat perceptions were very important for the formulation of the national doctrine. The population was concerned with internal and external threats equally as were the Lithuanian authorities. Among the external threats, the Lithuanian population stressed the proximity of Russia and the asymmetry in the regional balance of power as the major source of tension around the Baltic Sea.[168] Lithuania had the smallest Russian minority of all of the three Baltic states, so its presence was not recognised as a threat to national identity or domestic stability. Still, Russia was seen as the greatest source of safety hazards: the presence of Russian troops stationing on its territory,[169] heavy militarisation in the Kaliningrad region,[170] and military transit problems[171] caused concern. The Russian military

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[166] Petersen, 'Security Policy', p. 36.

[167] Ronaldas Kacinskas, 'Lithuanian Public View on National Security in a Changing Environment', conference paper, 1998, p. 6.

[168] Olav F.Knudsen, 'Cooperative Security in the Baltic Sea Region', *Chaillot Papers*, No 33 (Institute for Security Studies WEU, November 1998), pp. 20 - 21.

[169] Petersen, 'Security Policy', p. 34.

[170] Tamulaitis, *National Security*, pp. 7 – 9.

[171] RFE/RL Daily Reports: No. 178, 19 September 1994, No. 168, 5 Sept. 1994, No 219, 18 Nov. 1994, No 220, 21 November 1994.

transit demands to and from Kaliningrad were particularly feared in Lithuania[172] due to frequent violations of rules.[173] The withdrawal of Russian troops alleviated the security tensions in Lithuania, nevertheless the problem of a post-Soviet security vacuum remained. Still, in evaluating possibility of all – out conflict with Russia Lithuanians merely admitted that it could not be excluded.[174] The real type of conflict to which Lithuania had to be prepared was a 'highly charged, tense political situation' in the region[175] and the spill-out of instability and violence from Russia, possibly provoked by terrorist action. Also, internal problems were a cause of concern: crime and corruption began to be seen as threats to the country's security and stability as well as the possibility of a nuclear disaster at the Ignalina power station.[176]

In keeping with the popular views, the 1998 Lithuanian National Security Strategy emphasised the importance of those domestic security factors. The strategy emphasised the importance of economic and social development and political stability, together with credible defence forces, good bilateral relations and Euro-Atlantic integration'.[177] The realisation of the limited capabilities was reflected in the National Military Defence Policy which declared the prevention of threats to Lithuanian sovereignty and territorial integrity and its armed defence in the event of conflict as the main objectives, but at the same time admitted that Lithuanian deterrence 'is not based upon military superiority, but rather the ability to cause the

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[172] Petersen, 'Security', p.15.

[173] Michta, *The Government*, p.140.

[174] Petersen, 'Security Policies', p. 34.

[175] Knudsen, 'Cooperative', p.9.

[176] Rolandas Kacinskas, 'Lithuanian Public View', pp.2 - 3.

[177] *Overview. Lithuanian National Defence System '99* (Republic of Lithuania: Ministry of National Defence, 1999).

enemy sufficient material and moral losses to outweight any benefits gained through aggression, to defend the country's population, its territory and its national values'.[178] And after 'giving the enemy two black eyes, a broken nose, and a headache'[179] the war would continue as a partisan struggle or Lithuania would be defended by its allies.

The defence policy of Lithuania was theoretically based on two pillars: preparation for total and unconditional defence of the territory with the use of all available means and resources, known as the territorial defence concept[180] and the simultaneous policy of seeking membership in NATO as the only guarantee of political independence.[181] This strategy was supplemented by inter-Baltic co-operation. However, the concept of territorial defence remained an under-developed and under-invested 'buzz-word'[182] and the Baltic co-operation was developed into an institutional structure lacking in substance; the only defence strategy objective pursued with great determination by the Lithuania authorities was an entry into NATO.[183] Lithuania continuously rejected the Soviet proposals to form an alternative security architecture or conclude military accords providing security to the Baltic states[184] and the entire international military activity and co-operation was directed at achieving the goal of membership in the Alliance. Among other things,

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[178] *White Paper '99*, Ministry of National Defence of the Republic of Lithuania, Chapter II: National Military Defence Policy, p. 11.

[179] Peter Vares, Mare Haab, 'The Baltic States: Quo Vadis?', in Carp (ed.), *Central and Eastern Europe,* p.304.

[180] *White Paper '99,* p. 11.

[181] Saulius Girnius, 'Back in Europe, To Stay', *Transition,* 4 April 1997, p. 7.

[182] Zaccor, 'Lithuania's New', p. 204.

[183] Linas Linkevicius, 'Lithuania, NATO and European Security', in *21st Century Challenges for the Baltic Sea Region and European Security* (Helsinki: Nordic Forum for Security Policy, 1998), pp. 91 – 93.

[184] RFE/RL Daily Report: No 183, 26 September 1994.

Lithuanian participation in the peacekeeping operations had a much higher profile after January 1994's formal application for membership.[185] The objective of full membership in NATO remained the cornerstone of Lithuanian defence and security policy and in fact, the majority of the defence reform was subordinated to that principle of achieving compatibility with NATO standards.

Selected Issues of Structural Reform.

Due to a common legacy of the Warsaw Pact, the structural reform of the post-communist military featured considerable similarities. All the armed forces had to be downsized and reoriented towards lighter, more mobile and defensive forces organised into the brigade and corps system with restructured command and control lines. These changes were necessary, if anything to ensure democratic control over the military, yet their implementation was complicated by the budget constrains and inconsistent policy directives, and the varying degree of control that each of the case countries had over their armed forces in the aftermath of transition. The better controlled the military, the more likely was the success of structural reforms. However, regardless of the individual circumstances, everywhere in the post-communist countries the restructuring reforms brought about the loss of the young and dynamic cadres.

In the aftermath of the Warsaw Pact dissolution, Poland faced the necessity to carry out a radical downsizing, restructuring and redeployment of the army.[186] But although the reforms had been underway since 1990, a definitive plan of army

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[185] Ronaldas Kacinskas, 'Lithuanian Public '.

[186] Szemerkenyi, 'Central European', pp. 42 – 44. See also Szayna, Larrabee, *East European*, pp. 26 – 36.

restructuring dubbed *Army 2012* was accepted by the government only in 1997.[187] Until then, the restructuring processes were chaotic, political guidance inconsistent, and the political conflict between the president and the prime minister hindered the introduction of reforms and frustrated the professional cadres as well as weakening civilian authority and control of the army. The only policy consistently applied to the military between 1990 and 1997 was the policy of budget cuts.

The lack of long term definitive plans for reform resulted in the frequent changes of priorities and consequently in a waste of human and material resources. The story of the reorganisation of the military districts in Poland vividly illustrated the shortcomings of Polish restructuring. This system of military administration and logistics, a 'standard' piece of communist legacy for all post-communist armies[188] needed to be changed into a structure better suited to light and mobile forces of defence. Additionally, the Polish army was deployed unevenly around the borders and therefore the reorganisation of the districts was connected to the task of redeployment of troops along the eastern and southern borders.

In 1992 the fourth military district was created in Cracow, in southern Poland in order to enable partial redeployment, provide new military infrastructure and introduce a modernised system of command and logistics within the district.[189] Its creation was a lengthy process and required substantial funds - over 247 military units were disbanded or re-deployed in the course of establishing the new district. The district was completely formed by 1998. However, in 1997 the Ministry changed the reform concept and planned the formation of two military districts, the

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[187] For detailed information on the Plan 2012 see Latawski, *The Transformation*, pp. 37 – 60.

[188] Gow, Birch, *Security*, p. 21; Szayna, Larrabee, *East European*, p. 27.

[189] Interview with general Henryk Szumski, Chief of General Staff, 'Między wizją a realiami' (Between the Vision and the Realties), *Polska Zbrojna* No 39, October 1997.

North and the South, out of the four existing ones and the creation of the sub-system of military corps within the districts.[190] The concept was included in the 1997 *Plan Army 2012*, yet the work on details lasted two more years. Then, on 1 January 1999 the implementation of the reform was initiated and the first step of reform was a dissolution of the Cracow district. In place of the district, the corps command structures were introduced with a greatly reduced number of military posts. The reform was introduced without prior information, therefore many officers were caught by surprise and lost their jobs without warning, causing a waste of material resources and frustration of the personnel.[191] The adoption of the plan Army 2012 improved the overall co-ordination of the restructuring process, but it was largely done in connection with the preparations for NATO enlargement and the fulfilment of 31 interoperatibility goals.[192]

The Polish armed forces were the second largest army in the Warsaw Pact and in 1989 numbered 413 000 servicemen and officers.[193] Therefore personnel reductions were necessary. Early plans for reform forecast the overall manpower at the level of 220 000, but in 1997 the target figure was reduced to 180 000 by 2004.[194] The aim of the reductions was to downsize the army as well as to change its personnel structure. In the future, the Polish army was to be 55% professional and

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[190] Interview with general Henryk Szumski, 'Między wizją'.

[191] Tadeusz Dytko, 'Niepotrzebni' (Unwanted), *Polska Zbrojna* No 16, April 1999.

[192] Conversation with Maria Wągrowska, Editor in Chief, *Polska Zbrojna (military weekly)*, November 1999.

[193] Hieronim Kubiak, 'Poland: National Security in a Changing Environment', in Karp (ed.), *Central and Eastern Europe*, p. 85.

[194] Ryszard Choroszy, 'Wojsko za pięć lat' (The Army in Five Years), *Polska Zbrojna* No 2, January 1997, pp. 18 - 19.

the share of NCOs was to rise rise from 23% to 40%, changing the 'reverse pyramid' structure of the cadres in favour of junior officers and NCOs.[195]

Obviously, personnel reductions were not popular among the military, and the Chief of General Staff frequently called them an 'endless bleeding of the Polish army'.[196] Nevertheless, the majority of the professional military understood the need for radical reforms, including the restructuring of the cadres.[197] What frustrated them however, was the scarce information on planned reductions and resettlement assistance, frequent and unexpected changes in personnel policy, and above all constant uncertainty regarding career prospects.[198] And although the Polish army was radically downsized, the early reductions resulted in the loss of the youngest and most valuable military personnel and the conservation of the top-heavy structure of the Polish armed forces.[199] By budget slashing and the elimination of many officer posts the reform gave incentives to leave the army to the young and dynamic cadres, while the older ranks were determined to stay at all costs. Consequently, in 1997 there was one colonel for every 28 conscript soldiers.[200] The adoption of the reform plan in 1997 improved the personnel policy in the army, particularly in connection with the prospective NATO membership, however the

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[195] Ryszard Choroszy, 'Urodzaj na programy' (Abounding Programmes), *Polska Zbrojna,* No 2, January 1997, p. 21.

[196] Interview with general Tadeusz Wilecki, *Polityka,* Nr 36, 9 September 1995, by Janina Paradowska and Jerzy Baczyński.

[197] Mariusz Jędrzejko, 'Zawód: Wojskowy', (Profession: Military) *Polska Zbrojna*, No 15, April 1999.

[198] Interview with colonel Adam Sowa, Director, Military Resettlement Bureau, Polish MOD, Warsaw, June 1998 and August 1999; Tadeusz Mitek, 'Nastroje pod kreską' (The Feelings Run Low), *Polska Zbrojna*, No 39, September 1998.

[199] Interviews with colonel Adam Sowa, Warsaw, June 1998 and August 1999.

[200] Ryszard Choroszy, 'Odwrócona piramida', (Pyramid Upside Down) *Polska Zbrojna* No 22, June 1997, p.18.

much talked about re-grading of the military posts (*etatyzacja*), one of the most important goals of personnel policy reform, did not start until 1998 and the target date for its completion – January 1999 – was not met.[201] Also, the retention of the specialists in service became a growing problem for the army in Poland, due to competition from the civilian job market.[202]

Czech restructuring of the armed forces was based on similar principles. In the years between the 'Velvet revolution' and the 'Velvet divorce' Czechoslovak authorities implemented several important reforms of the military. The conscript service in Czechoslovakia was shortened from 24 to 18 months (in Czech Republic it was further cut to 12 months), and alternative service for conscientious objectors was introduced. In November 1990 the government approved the *Conception of Army build-up by the end of 1993* and based on this reform plan, significant manpower reductions, structural changes and redeployment of troops were initiated which transformed the Czechoslovak army from a Warsaw Pact force to a national military.[203] Based on the constitutional act,[204] on 1 November 1992 the process of the division of Czechoslovak military property was initiated and on 31 December 1992 the Protocol on Separation of the Czechoslovak Army was signed by the plenipotentiaries of both governments. The distribution was based on the 2:1 ration

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[201] Interview with colonel Sowa, August 1999.

[202] Latawski, *The Transformation*, p. 25.

[203] Czech *White Paper*, pp. 23 - 24.

[204] Law No 541/1992 'On the Division of the Czech and Slovak Federal Republic's Property between the Czech Republic and the Slovak Republic and Its Transfer to the Czech Republic and the Slovak Republic'.

between Czech and Slovak, respectively[205] and the process of separation was essentially completed within a year and in an orderly manner.[206] But while the division of assets was carried out by mutual agreement of both sides, the Czech Republic was in a privileged position in the aftermath of the divorce because major centres of military management and command were located on Czech territory and were left in the Czech hands, including the federal MOD in Prague.[207]

Although the retention of command and control structures helped prevent organisational chaos in the Czech military, still the situation of the armed forces in the aftermath of the 'Velvet Divorce' was difficult. The break up of the federal army weakened the cohesion of the military[208] and in the Czech nation-state the apathy of the public toward defence issues and reluctance to spend public money on the military became much more conspicuous. Therefore, programmes of equipment modernisation were suspended, and the army soon faced recruitment shortages, worsening social problems of cadres and a survival budget.[209] It was only the preparations for NATO membership that finally helped 'encourage order in planning and procurement'[210] and led to the adoption of the 1998 conceptual plan of development up to the year 2003 in which reduction, professionalisation and restructuring of the army in accordance with NATO structures and procedures were

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[205] For more on the military problems of the break-up of the federation, see Jan Urban, 'The Czech and Slovak Republics: Security Consequences of the Break-up of the CSFR', in Karp (ed.) *Central and Eastern Europe*, pp. 120 – 121.

[206] Czech *White Paper,* pp. 24 - 25.

[207] Antonín Rašek, 'Rozhodovaci procesy v civilní kontrole armády' in Miroslav Purkrabek (ed.), *Rozhodování finansování a komunikace ve veřejné politice v České republice* (Planning, finance and communication in the internal policy of the Czech Republic) (Praha: Vesmir, 1997), p. 162.

[208] Interview with General Karel Pezl, former Chief of Defence Staff and presidential security advisor, Officer of the President, Czech Republic, Prague, September 1999.

[209] 'Comments by Dobrovsky', *FBIS, Eastern Europe*, 10 January 1991, pp. 22 - 23.

prioritised and 31 interoperability goals were set to be achieved by the end of the year 2000.[211]

Radical manpower reductions were part of the restructuring programme in the Czech army. The army was reduced from 93 000 in 1993 to 65 000 by the end of 1996 and the revised reform concept envisaged further reductions to the level of 56 000[212]. But also in the Czech case the process of personnel reductions and restructuring went out of control and contributed to the net deterioration of the personnel structures. The aggressive decommunisation policies, decline in salary and prestige of the military profession, housing problems and lack of career prospects attracted younger and more dynamic staffs to civilian professions, while the older generation of officers were determined to stay in the military as long as possible. As a result, the negative personnel trends such as ageing of the officer corps, reverse proportion of older to younger officers and slow increase of the NCO's corps were preserved in the Czech military.[213]

In the case of the Czech Republic, military recruitment and retention of qualified cadres soon became a burning problem. The young male population had a negative opinion of the social and economic standards of the service and perceived military equipment and training being below the modern requirements of the military profession.[214] Moreover, in the Czech Republic the occupational prestige of

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[210] Statement of Minister of Defence Michal Lobkowicz, 'Country Briefing', p. 21.

[211] 'Service Branches Face Fight over Resources In Modernisation Efforts', *Jane's Defence Weekly*, 20 May 1998, p. 22.

[212] 'Service Branches', p. 22.

[213] Szemerkényi, 'Central European', p. 47; Marie Vlachova, Štefan Sarvaš, *Civil – Military Relations in Modern Society: the Czech Case*, unpublished paper (Prague: Institute of International Relations, 1997), p. 8.

[214] Jiři Hodný, Štefan Sarvaš, 'Conscripts and the Military Profession in the Czech Republic', *The Journal of Slavic Military Studies*, Vol. 12, No. 1, March 1999, p. 43.

the military profession in the 1990s fell to a disastrously low 33rd position, behind the bricklayer (21) or tractor driver (23).[215] The image of the army was additionally tarnished by repeated cases of bullying[216] and instances of the breaking of human rights in the army[217] and maltreatment of conscripts,[218] all of which received wide press coverage.[219] In fact, the press was so keen on portraying negative aspects of life in the ranks that one can speak about the 'control through scandals' in the case of the Czech Republic.[220] All these factors indicated the likelihood of the prolonged recruitment shortages in the Czech army.

However, two aspects of Czech military reform deserve special attention. One is the ambitious program of professionalisation of the armed forces, which since 1993 was gradually implemented regardless of the recruitment problems and public controversies.[221] Priority was given to troops on foreign missions and forces selected for NATO co-operation (Immediate Reaction Forces, Rapid Reaction Forces and forces assigned under NATO command). Certain specialised units

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[215] Jiři Hodný, 'The Prestige of Professional Czech Soldiers in the Eyes of the General Public', *The Journal of Slavic Military Studies,* Vol. 11, No. 3, September 1998, p. 100.

[216] Jiři Hodný, Radim Štasný, 'Bullying in the Army of the Czech Republic', *The Journal of Slavic Military Studies*, Vol. 10, No. 1, March 1997, pp. 128 – 140.

[217] For more on the problems of human rights in the Czech army, see 'Human Rights in the Army', in *CHC Report on the State of Human Rights in the Czech Republic 1999*, http://www.helcom.cz/en/report99, 08.12.2000, 11 pages.

[218] Lefebvre, 'The Army', pp. 720 – 721.

[219] Libor Hlaváček, 'Some Contemporary Aspects of the Portrayal of the Armed Forces of the Czech Republic in the Czech Mass Media', *The Journal of Slavic Military Studies,* Vol. 12, No. 1, March 1999, pp. 47 – 50.

[220] Interview with Captain Štefan Sarvaš, Senior Research Associate, Research Department, Czech MOD, Prague, September 1999.

[221] Olga Szantova, *Will the Czech Army Turn Professional?* (Radio Praha programme), http://rebel.radio.cz/nato; 01.12.2000.

already approached 100% professionalisation (chemical platoon, transportation and helicopter units)[222] and the target level for the entire army was around 60%.[223]

The second important element of the reform was the introduction of the PPBS which began in December 1993 by the decision of the Deputy Minister of Defence M.Kalousek. The implementation of the Planning, Programming and Budgeting System utilised in NATO countries was an important achievement for the Czech Republic which was the first post-communist state to introduce it.[224] However, the system was introduced too hastily and with an aim to demonstrate Czech quick convergence with NATO defence planning, and as a result a number of problems arose, the worst of them was that PPBS was not integrated with the overall budgeting system in the Czech Republic and suffered from inflexibility and excessive centralisation.[225]

In Ukraine, the problems related to military structural reform were immense. The Ukrainian national army was built on the basis of the Soviet army troops and military installations which in 1991 were situated on the territory of the Ukrainian republic. A series of laws, decrees and the campaign of the 'oath of allegiance' in 1991/92 sanctioned the take-over and 'nationalisation' of the large share of Soviet military assets and helped establish a Ukrainian chain of military hierarchy. That operation was carried out swiftly and was largely successful as it allowed the new state to quickly establish large armed forces and gain an important attribute of

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[222] *1999 Training Year Review*, Czech MOD materials, http://www.army.cz/zpravy/english; 30.11.2000.

[223] 'Service Branches', p. 22.

[224] František Ochrana, 'The DoD Planning, Programming and Budgeting System of the Czech Republic', in *Behind Declarations*, pp. 29 – 32.

[225] Interviews with Štefan Sarvaš and Petr Veit, Prague, September 1999.

sovereignty.[226] However, in the aftermath of this operation the Ukrainian army as a national military existed only on paper. The non-selective take-over of the large chunk of the Soviet military machinery burdened Ukraine with an expensive, oversized, Soviet-type force and made the subsequent restructuring extremely difficult. Moreover, the large size of the post-Soviet 'army' had a psychological impact on perceived military power on the Ukrainian political elite and the necessary manpower reductions or selling of surplus equipment were received with distrust and resisted, particularly in the parliament.[227]

It is difficult to establish precisely the size of the Ukrainian share of the Soviet armed forces, but certainly it was disproportionately large. Most estimates oscillate between 600 and 800 thousand troops,[228] and some sources cited an even higher number.[229] Along with the military personnel, Ukraine came into possession of a number of other military assets, such as combat aircraft, vehicles, army infrastructure, defence industry with nuclear plants, and military academies,[230]

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[226] Andrea Chandler, 'Statebuilding and Political Priorities in Post-Soviet Ukraine: the Role of the Military', *Armed Forces & Society*, Vol. 22, No 4, Summer 1996, p. 582.

[227] For example testimony of Stepan Hmara, member of Defence And Security Committee, in 'Sud i Osud. Ministr Oboroni proti Vichirnovo Kiyeva, Vichirniy Kiyev proti Szmarowshchiny', *Vichirniy Kiyev*, special issue, 1996, pp. 98 - 102.

[228] Anatoliy S.Grytsenko, *Defence Reform in Ukraine: Chronology of the First Five Years.* Berichte des Bundesinstituts für ostwissenschaftliche und internationale Studien 29, 1998, p. 7; Pyskir, 'The Silent', p146; Oleg Bodruk, 'The Armed Forces of Ukraine', unpublished paper presented at the Conference on *Security Dilemmas in the CIS Region*, RIIA, Chatham House, 28 - 29 September 1995, p. 8.

[229] Early in 1992 there were quotes of 1.2 or even 1.5 million men, but these proved exaggerated. According to colonel V.Muliava, such high figures were disseminated by the Soviet Defence Ministry in order to complicate Ukrainian efforts to achieve own army and independence. See Pyskir, 'The Silent', footnote 27.

[230] For details of military structure shortly after takeover, see Steven J.Zaloga, 'Armed Forces in Ukraine', *Jane's Intelligence Review*, March 1992, pp. 131 - 136.

altogether estimated at between 10% and 15% of the total defence potential in the USSR.[231]

One of the persistent Ukrainian problems inherited from the Soviet Union was the multitude of military organisation. Along with regular army, Ukraine in 1991 took over its share of KGB troops, Railway and Construction troops, Border Guards etc. That peculiar Soviet tradition was continued and so since 1991

> a variety of military organisations have been created. Apart from those subordinated to the Defence Ministry, i.e. Ground Forces, the Air and Air Defence Forces and the Navy, there are also Border Troops, the Interior Troops, the Ministry of Internal Affairs Troops, the National Guards units, the Security Service sub-units, the Tax Police and Custom Service sub-units, the State Communications Department sub-units, the Ukrainian National Space Agency units and other forces belonging to different ministries and agencies.[232]

The coexistence of the multiple armed services, with often overlapping responsibilities, caused conflicts and terse competition for scarce resources between the various forces and 'their' ministries and a number of problems with legislative regulations.[233] The adoption of the National Security Concept in 1997 represented a step toward comprehensive legislative regulation of the situation of non-army troops. But while the phenomenon of the non-regular military forces was expected to wither away gradually, it did not disappear; in fact an opposite trend was observable.[234]

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[231] Michta, *The Government*, p. 204.

[232] Grytsenko, *Defence Reform*, p. 9.

[233] Interview with A*.

[234] Grytsenko, 'Defence Reform', pp. 9 - 11.

Although the Ukrainian army had the appearance of military power, it was in fact in a very difficult situation from the start. The army was on a survival budget and 50% dependant on Russian spare parts supplies; many weapons were approaching exploitation limits,[235] and quick conversion and large scale privatisation of military industry was necessary.[236] However, the administration of the first Ukrainian president Kravchuk prioritised the political use of the military as an engine in the nation- and state-building processes over its restructuring. Therefore the government was very cautious to implement reforms impinging on the corporate interests of the military. The first comprehensive programme of reforms was prepared only in 1995 by the first civilian minister of defence in Ukraine, Valeriy Shmarov after president Leonid Kuchma took over from Kravchuk; however, the plan met with such a strong corporate resistance, mainly from the General Staff that it led to the removal of the reform-minded minister from the office next year and reforms were stalled.

Minister Shmarov stopped forcible ukrainisation of the army and instead tried to promote de-politicisation of the military, he also intended to speed up the personnel reductions, reduce the amount of hardware maintained by the army and carry out administrative reorganisation.[237] Ukraine inherited the Soviet system of three military districts and retained two of them, Odessa and Carpathian, while on

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[235] V.P.Kovalskiy, *Tiehnichieskaya osnashchiennost' vooruziennyh sil Ukraini: ocienka i prognoz* (Technical Equipment of the Armed Forces of Ukraine: Assessment and Forecast - in Russian), Series of Informational - Analytical Surveys, No. 7 (Kiev: National Institute of Strategic Studies, 1995), pp. 27 - 31.

[236] Victor I.Antonov, 'Conversion of the Military Industries in Ukraine', in Charles Wolf, Jr. (ed.), *The Role of the Military Sector in the Economies of Russia and Ukraine*, Proceedings of the RAND - Hoover Symposium, November 1992 (Santa Monica: RAND National Defence Research Institute, 1993), pp. 139 - 152.

the basis of the Kiev district the authorities organised a central military command and control system. Since this system was well suited to offensive operations on a massive scale, minister Shmarov wanted to depart from that Soviet system and reorganise it into an organisation of smaller operational –territorial commands, more suitable to the defensive doctrine and meeting the requirements of increased mobility of troops.[238]

Sharov's case is a perfect example of the meanders of Ukrainian military reform. The reorganisation of the military districts was received as a civilian intrusion, threatening the position of the highest echelons and the Chief of General Staff, gen. Anatoliy Lopata, became Shmarov's most outspoken opponent. The military accused the civilian minister of being incompetent and unprofessional, and his collaborators of drafting secret reform plans. The top military were supported in their struggle by the nationalist activists, who in turn accused Shmarov of purposefully ruining the national army in order to surrender it to the Russians. In the end, both Lopata and Shmarov had to depart from office, but the military reform was the real victim of that struggle. Sharov's successor, minister Kuz'muk, was again a military man, and he quickly backed away from deep restructuring in favour of very moderate and illusive changes.[239]

Personnel reductions were similarly resisted, yet army downsizing was an absolute necessity in Ukraine. In 1991 the proposed size of the army was set at the

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[237] Tor Bukkvoll, *Ukraine and European Security*, Chatham House Papers (London: RIIA, 1997), p. 22.

[238] Grytsenko, *Defence Reform*, pp. 13 – 17.

[239] 'Sud i Osud. Ministr Oboroni proti Vichirnovo Kiyeva, Vichirniy Kiyev proti Szmarowshchiny', *Vichirniy Kiyev*, special issue, 1996; Grytsenko, *Defence Reform*, p. 17.

relatively high level of 420 000 – 450 000[240]; The State Plan for Reform and Development of the Armed Forces until 2005 provided for the total strength of the armed forces to be 375 000 by 2005, including 295 000 servicemen. Subsequent reform proposals went even further and suggested army reductions below 200 000.

But the size of the army was not the only problem of the post-Soviet military in Ukraine. The armed forces showed other typical symptoms of the 'Soviet disease': reverse proportions of senior to junior ranks[241], ageing of the cadres, low cohesiveness of the forces, impoverishment of the cadres and declining combat readiness. The uncertainty regarding the projected size of the national army was as much due to political reasons as to the lack of definite defence doctrine. In the long term, the restraint with which the planned reductions were carried out appeared harmful because it resulted in the mass departure of the youngest and most promising cadres and persistence of the old officer corps, further deterioration of the state of exploited military equipment, but also in appalling living standards and human relations inside the army, including the return of the infamous *diedovshchina* (hazing).[242] All this was a great disillusionment for many officers, captured in the words of one of them:

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[240] Alexander Goncharenko, *Ukrainian – Russian Relations: an Unequal Partnership* (London: RUSI, 1995), p. 33, 35; Decree of the Supreme Council of Ukraine of 22 December 1998, No 327-XIV.

[241] G.Klicznikov, 'Vooruziennimi silami komanduyut "Dvoyechniki"', *Niezavisimaya Gazieta – Niezavisimiye Voyennoye Obozriennye*, No 7, 8 February 1997. According to the statistics quoted in article, the number of generals in the Ukrainian armed forces rose rather than diminished as a result of military reforms.

[242] For a decade both pro-Ukrainian and pro-Russian newspapers in Ukraine widely commented on the problems plaguing the armed forces. Numerous articles quoted statistical data, which, although sometimes imprecise, in general confirmed the dramatic human and technical problems of the armed forces. See in particular: E.Bogacka, 'Proukrainizaciyu zbroynih sil Ukraini' *Gomin Ukraini* No 35/ 1995, A Lopata, 'Biez poddierzki obshchiestva rieformy w armii niewozmozni' *Zierkalo Niedieli*, No

The thing is, the majority of those who went to the Ukrainian army or fleet hoped that Ukrainian army should be a new model army, that in the first few months military reforms would be carried out, that everything will be established on new fundaments and the illnesses of the old Soviet army would be the thing of the past. But it did not happen...As all too familiar symptoms of the old, rotten system, went into Ukrainian army hazing, and power abuses, and theft, and lack of proper discipline, and impunity of senior ranks in relation to the juniors.[243]

An additional obstacle to a radical reform was created by the enactment of the law 'On Defence of Ukraine', which delegated the task of drafting the programme of reforms to the Ministry of Defence. The MOD in turn delegated the bulk of the conceptual work to the General Staff and so created the situation in which the military were drafting the programme for reforming their own institution and naturally, they were unlikely to come up with anything radically violating the corporate autonomy of the military or impinging on their established position and interests.[244]

Ukraine shared the goals of reforms and many of the restructuring problems with the remaining post-communist countries which confirmed the influence of the similar communist legacy the countries shared between themselves on the aims and the framework for the reforms. Just as in Poland and the Czech Republic, the drafting and the implementation of the reforms were chaotic, ill-prepared,

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50/ 1997, S.Makeyev, O.Manachynsky, E.Lysytsyn, H.Perepelytsya, O.Bodruk, V.Krotykov, V.Haleyev, S.Vlasov, V.Halynovsky, 'Does Ukraine Have a Military Elite?', *Political Thought - Ukrainian Political Science Journal* No 1 (5) 1995.

[243] N.Siemiena, 'Oborona Ukraini: aplodismienty priezdievriemienni' (Ukrainian Defence: Too Early to Applaud), *Zierkalo Niedzieli*, No 4, March 1997 in Russian.

[244] Grytsenko, *Defence Reform*, pp. 13 – 17.

inconsistent and often hampered by the influence of the current politic. Yet, in the case of Ukraine two additional factors complicated the task of restructuring the armed forces, each having to do with the stateness problems. First, the Ukrainian army was used as a catalyst for the processes of building a nation-state and the priority given to that purely political goal put the issues of identity, tradition and national outlook over the problems of military capacities and combat readiness. Secondly, the Ukrainian complete lack of experience with government of the modern state delayed and hampered the progress of institutionalisation of the policy-making processes. The low institutionalisation of Ukrainian politics and the generally poor quality of the state governance had an extremely negative impact on the Ukrainian military reforms. The Ukrainian restructuring was definitely the worst managed reform among the countries concerned and such features as inconsistent plans for reforms, lack of correlation between the budget and the projected reforms and the insufficient supervision of the restructuring by the government agencies were the norm in the course of Ukrainian civil-military transformation.

In the case of Lithuania, the course of restructuring was different because the country was creating rather than reforming the post-Soviet military. The Lithuanian authorities made every effort to eradicate the Soviet heritage, yet it did not stop the army from acquiring certain traits characteristic of the post-communist militaries. The national armed forces were created on the basis of four separate programmes for the border guard, territorial defence, regular army and civil defence; however initially each of the services suffered from an inadequate infrastructure and insufficient funds and scarce equipment, had unsuitable command and control

system and a low standard of military training, resembling the Soviet drill.[245] In a very Soviet way, the power ministries competed between themselves over control of each of the military formations, and at the initial period of transformations the attempt to establish a centralised system of military command by the MOD were trampled by the rival Ministry of Interior that claimed the right to command the border guards.[246] Moreover, as a result of employing the former Soviet specialists, inevitably the old animosity between the line officers and the General Staff reappeared, the typical feature of communist armies.[247] A certain threat was also posed by the paramilitary organisation the presence of which was also a characteristic legacy of Soviet rule, and in Ukraine the purview and activities of the Šaulai Union might for a while put a democratic credentials of the military formations in Ukraine in question. However, as the policy of co-operation with NATO developed, Lithuania overcame most of the post-communist problems and its army made considerable progress towards compatibility with NATO standards.

In the early years after independence, the manpower of the Lithuanian national army was prognosticated at the unrealistic level of 30 000 people including the Home Guards.[248] These plans were eventually scaled down, and in 1999 Lithuanian defence forces altogether reached the size of 11 600 personnel. The long term plan prognosticated total manpower to reach 23 000 by 2008 and 48% of the forces would be drafted.[249] The problem of weapons was partially solved by foreign donations, and by 1999 the majority of the Lithuanian army equipment came from

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[245] Bartas Trakymas, assistant to the Chairman of the Seimas Committee on National Security and Defence, Lithuanian Parliament, Vilnus, February 2000.

[246] Skrastins, 'The Armed Forces', p. 38.

[247] Zaccor, 'Problems', pp. 53 – 72.

[248] Lieven, *The Baltic Revolution,* p. 336.

[249] *Overview*, p. 8.

foreign gifts.[250] The Lithuanian authorities began preparations very early to structure the army in accordance with NATO standards. Therefore already in December 1990 the courses for NCOs had started and in 1993 the NCO's School was organised.[251] The role of the NCOs was expanded successfully thanks to education reforms, yet the change was by and large limited to the elite units operating in accordance with NATO standards.[252] Lithuanian authorities also put some effort into establishing the military district system for territorial defence that was supposed to be the backbone of the Lithuanian defence, but the process is far from complete and lagged behind the structural changes in the regular army.[253] In general, the transformation of the Lithuania military was carried out successfully, underpinned by the stable political consensus of the main forces regarding the direction of military reforms.[254] However, the experience of the Lithuanian military showed that the idea of starting from scratch was merely an illusion as a degree of the previous regime's legacy would always permeate the new force.

Summary.

The main principle underlying the restructuring processes was the removal of the communist features from the armed forces and from the post-communist defence systems and the strengthening of the national character of the military as well as

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[250] Robert Rochowicz, 'A Way With Weapons', in *Poland – Lithuania-NATO, Polska Zbrojna, special edition,* 24 May 2000, p. 11.

[251] Lithuanian *White Paper '99*, p. 38.

[252] Paul Goble, 'Baltic States: Analysis from Washington. A Time for Seargants' *RFE/ RL*, 3 November 2000.

[253] Interview with Major Rimas Litvinas, Defence Attaché, Embassy of Republic of Lithuania, Warsaw, August 1999. Skrastins, 'Armed Forces', p. 38.

[254] Interview with Dr Algidras Katkus, MP, Chairman of the Seimas Committee on National Security and Defence, Lithuanian Parliament, Vilnus, February 2000.

fostering their attachment to the new political system and government. The communist legacy had a serious impact on the restructuring processes in each of the countries Yet, a strong military prestige and legitimacy facilitated the implementation of the reforms, as in Poland, while the unclear identity of the military, for example in Ukraine, or the low prestige of the profession, as in the Czech Republic, hindered the reforms and delayed the profound structural changes.

In all the case countries provisions were taken for the military to be de-communised to some extent, its ties to the party broken and the army disengaged from current politics. Yet, despite the similar legal provisions to that end, only in the Czech Republic, the only state boasting democratic traditions, was the principle of military political neutrality observed from the start.

The formulation of national defence doctrines and the redefinition of the military missions were difficult processes in each of the countries concerned, due to the very same reason: underdevelopment of national capacities in strategic planning. However, the problems related to drafting the doctrines were considerably more difficult in the countries having the stateness problems, as for example Czech Republic did on that occasion, because it proved difficult to determine the security interests and the long term defence policy of the state. And while everywhere in Central Eastern Europe the post-communist countries accomplished the transformation of their military from the offensive to defensive forces and separated the armed forces from police missions, none of them managed to prepare a doctrine that would be more than an interim document.

Along with the reformulation of their defence policy, the post-communist countries undertook the task of structural reforms in their militaries. The change towards the defensive posture was associated with the significant downsizing of the

armies and reorganisation of the command and control structures. While the restructuring reforms had mostly a practical dimension of developing the defensive capabilities of the post-communist states, nevertheless aspects of the structural changes were necessary to implement the democratic management and control of the military. The Ukrainian example demonstrated that the strong corporate resistance of the military, if tacitly accepted by the politicians, could lead to the stalling of the reforms and inhibit the introduction of democratic civilian control. Finally, a clear security perspective and defence policy underpinned by political consensus, as in Poland, legitimised the reforms and facilitated their acceptance on the part of the military, while lack of policy orientation was likely to cause rejection of the reforms, as was the case of Ukraine.

Chapter 5

RULES: LAWS AND PROCEDURES.

'The foundation for democratic management of defence matters is the legal and procedural framework in which policy discussion and formation takes place.'[1] Such a legal and procedural framework is a necessary pre-condition for an emergence of democratic institutions and a subsequent consolidation of democracy. Yet, the lack of legal rules and procedures as well as an absence of autonomous institutions was a characteristic feature of the post-communist conditions. Each of the post-communist countries faced the daunting task of redesigning the entire legal system of the country as the successful functioning of democratic institutions depended on putting the framework of rules and procedures in place. As such processes involved the distribution of powers and responsibilities within the institutions, the legislative works were inevitably hindered and delayed by political conflicts. Typically, the issues related to the control of the military and defence policy were subject to controversy, and consequently, the process of creating the democratic legal framework proved contentious, particularly in the sphere of civil-military relations. Nevertheless, introduction of new rules to the post-communist polities represented a crucial stage in consolidating the new democracies and nowhere was the connection between the civil – military transition and democratic consolidation more visible than in this process.

Constitutional Frameworks

Democracy needs a legal framework to function properly, and the foundations of that framework are laid out in constitutions. Thus, the making of the post-communist constitutions should have been the priority in each of the countries but as the issue of the power distribution proved to be highly contentious in some cases, delays occurred and interim arrangements were adopted along the way. The study of the case countries demonstrated that the prompt adoption of permanent constitutions had a stabilising effect on the transformations in the Czech Republic or Lithuania whereas the interim constitutional frameworks were detrimental to democratisation in Poland and Ukraine and fuelled political conflicts in both countries. The prolonged uncertainly regarding the division of powers also created opportunities for military involvement in post-communist politics and thus distorted the transformations of the civil-military relations in the countries in question. In fact, the making of post-communist constitutions, with few exceptions, were amongst the most politically troubled processes in Central Eastern Europe.

The making of the constitution in Poland was heavily burdened with the legacy of the transitional opening. The Round Table agreement of 1989 guaranteed a privileged position in defence and security matters to the president. The position of the president gained an additional weight when, under pressure from Lech Wałęsa, the electoral law was changed and the popular ballot replaced the parliamentary vote in the 1990 presidential elections. Once elected for presidency, Wałęsa made every effort to strengthen his executive position and subordinate the Prime Minister and

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[1] James Gow, Carol Birch, *Security and Democracy: Civil - Military Relations in Central and Eastern Europe*, No 40 (London: Brasseys for Centre for Defence Studies, September 1997), p. 27.

the government to himself.[2] His legislative proposals were rejected by the parliament which caused legislative and institutional deadlocks and significantly delayed an adoption of the post-communist constitution. In order to resolve the mounting political and legal problems at least on a temporary basis, the parliament adopted a provisional constitutional bill of compromise, the so called Little Constitution, on 17 November 1992.

The Little Constitution sanctioned a hybrid presidential – parliamentary system in Poland, in which the presidential powers were disproportionately extensive in the realm of security and defence policy and rather limited in other fields. The unclear position of the president in the executive branch was unclear and thus likely to provoke conflicts. The provisional basic law sanctioned the election of the president by popular vote for a fixed, five-year term and the representative functions as the head of state and guardian of sovereignty. The president was the Supreme Commander - in Chief of the Polish Armed Forces with powers to appoint the Chief of the General Staff, chiefs of other services and commanders of military districts after consultation with the Minister of Defence. Most importantly, the Little Constitution obliged the Prime Minister to obtain presidential approval for the appointment of the ministers for defence, foreign office and internal affairs. That article was not only imprecise, but also detrimental to the cohesiveness of the cabinet and subsequently provoked many conflicts. Finally, the president had limited emergency powers and chaired the National Security Council that was to replace the

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[2] Juan J.Linz, Alfred Stepan, *Problems of Democratic Transition and Consolidation. Southern Europe, South America and Post-Communist Europe* (Baltimore & London: 1996), p. 281.

infamous Home Defence Committee (KOK), notorious for its role in the introduction of martial law in Poland in 1981.[3]

The Little Constitution had a generally negative influence on the institutionalisation of Polish politics and hindered consolidation of the democratic system in Poland. It failed to clarify the roles of the executive bodies, distorted the relationship between power and accountability in the field of defence policy while its lack of legal precision caused an overlap of prerogatives and fuelled power struggles between the President and the government.[4] It secured a strong presidential position in military and defence matters, but gave very few instruments of constructive policy-making to the president. Moreover, the mechanism of countersignature originally introduced as a check on presidential power failed to perform its role and instead was used by the president to enhance his powers.[5] Finally, the original parliamentary intention to make the president a stabilising factor in Polish defence policy backfired and politicised and destabilised the military instead. Finally, the strong presidential control over the military limited the scope of democratic control exercised by the remaining democratic institutions, that is the parliament and the government.[6]

The corollary of the Little Constitution was the dualism of executive competencies in executive control and management of the military, politicisation of military reform and the prolonged state of an interim legislative situation. This had

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[3] Mark F.Brzezinski, Leszek Garlicki, 'Polish Constitutional Law', in Stanislaw Frankowski, Paul B.Stephan III, *Legal Reform in Post-Communist Europe. The View From Within* (Dordrecht, Boston, London: Martinus Nijhoff Publishers, 1995), pp. 40 – 43.

[4] Andrew Michta, *The Government and Politics of Postcommunist Europe* (Westport, Connecticut and London: Praeger, 1994), pp. 19 - 21.

[5] Interview with Tadeusz Dybowski, Member of the Constitutional Tribunal, Warsaw, August 1997.

[6] Interview with Robert Lipka, Under-Secretary of State for Social and Parliamentary Affairs, Polish MOD, Warsaw, October 1998.

adverse effects for the institutionalisation of the policy-making processes in Poland. The uncertain constitutional situation also delayed military legislative reform.[7] Poland was the last country in Central Eastern Europe to adopt a permanent post-communist constitution in 1997. The Constitution did not radically change the political system already in place, it was rather a correction and supplement to the previous basic law. The most controversial articles of the Little Constitution were removed or rectified and the division of constitutional prerogatives and responsibilities clarified. As a result, Poland received a parliamentary system with a strong position for the president as an arbiter in politics. Yet, the presidency became more titular and less executive in character. This time, the legislature made its intention clear: under normal circumstances the conduct of state affairs, including the military and defence, is the government's prerogative and responsibility; presidential powers can take a more 'executive' form only in extraordinary conditions threatening the state existence.[8]

Still, the President retained certain important prerogatives. He kept the function of the Supreme Commander-in-Chief of the Armed Forces, however the Constitution specified that in peacetime his duties are carried out through the Minister of Defence, and in the case of war the President should appoint the Highest Commander of the Armed Forces on the motion of the Prime Minister. The Constitution was not clear on who would be Commander. The president retained the right to invest military ranks on the motion of the Minister of Defence[9] and to select

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[7] Stanisław Koziej, *National Defence Management of the Republic of Poland* (Warsaw: MOD, 1996), pp. 6 – 12.

[8] Interview with Tadeusz Dybowski, Warsaw, August 1997.

[9] During Wałęsa's term in office this prerogative was used as an effective instrument of enhancing presidential powers. For example, after the infamous 'Drawsko dinner' in 1994 Wałęsa rejected all

the members of the prospective National Security Council. But the Constitution removed the obligation to consult the president on nominations for ministers of defence, internal affairs and foreign affairs and obliged the president to co-operate with the Prime Minister and the respective ministers in foreign policy matters.[10] Thus, the majority of contentious issues were removed from the legal framework. The exception was the legislative decision to the right of appointment and dismissal of the Chief of General Staff to the president. This prerogative had the greatest potential for rising a political conflict anew because that effectively meant that the Minister lost influence over the selection of his most important military deputy. Additionally, such a solution threatened the return of a special relationship between the president and the Chief of General Staff, already observed with president Wałęsa and gen. Wilecki between 1994 and 1997 with disastrous results for civil-military relations.[11]

Parallel to the shrinking of the presidential powers the role of the parliament increased in defence management and military control. The principle of democratic civilian control of the military was enshrined in the Constitution together with a tenet of political neutrality of the military and its subordination to democratic civilian control, however vaguely those articles were formulated.[12] Moreover, the Constitution established the right to set up a parliamentary investigative committee

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ministerial motions and promoted only officers allegedly involved in the voting down of the Minister of Defence.

[10] 'Obronność bez kontrowersji' (Defence Sector without Controversies), interview with prof. Marek Mazurkiewicz, chairman of the parliamentary Constitutional Committee, by Tadeusz Mitek; *Polska Zbrojna*, No 7, February 1997, p.10.

[11] Minister Andrzej Karkoszka drew my attention to this potentially contentious regulation. Interview with Dr Andrzej Karkoszka, Under-Secretary of State for Defence, Polish MOD, September 1997.

[12] Boleslaw Balcerowicz, 'Co cywilne, co wojskowe?' (What is civilian and what military), *Polska Zbrojna*, December 1998, p. 9; Mitek, 'Obronność bez', p. 11.

and the right to question members of the cabinet. The permanent Constitution created a legal framework generally conducive to the parliament overseeing the military, yet the ultimate leverage of the Parliament in the civil-military relationship depended on further statutory regulations and, even more than that, on the ultimate shape of the political practice in this field.[13]

The Constitution of 1997 corrected and rectified the many weaknesses of the Little Constitution and facilitated progress in legislative defence reform. But although the passing of the permanent basic law stabilised the political scene and improved civil-military relations in Poland, nevertheless some political habits born of the interim legal framework and former powerful position of the president in the military and defence affairs could not be removed easily. The influence of the Little Constitution was detrimental to the consolidation of democratic civil-military relations and certain problems related to the role of president in defence policy could not be removed prior to Polish accession to NATO.

The Czechoslovak and later Czech approach to the making of a democratic constitution was a testimony to its own tradition of strong democracy. Amendments to the old communist constitution were introduced very early on, in December 1989. The proper post-communist constitution of the Czech Republic was adopted on 16 December 1992 in anticipation of the split of Czechoslovak Federation, and promptly came into force on 1 January 1993. The Czech swift and well planned adoption of the basic law was an exception among the post-communist countries where legislative delays, political deadlocks and interim constitutions were the norm.

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[13] Interview with Bronisław Komorowski, chairman of the Parliamentary Committee for National

The Czech Constitution incorporated the Bill on Human Rights and Fundamental Liberties as its integral element and made the rights and responsibilities of the citizens the central part of the basic law to the point of overstating them.[14] In that context it is interesting that the notion of the citizen soldier or democratic control of the military did not appear anywhere in this otherwise extensive catalogue of democratic standards in the field.

The constitution introduced a parliamentary system with a very strong executive position for the Prime Minister and relatively weak powers for the President. The President is elected by the qualified majority of members of both chambers and his functions are, by and large, representative. A right of legislative initiative belongs to individual MPs, both chambers of parliament, and the government; the President is excluded from the process of initiating laws. Similarly, decrees issued by the President must be countersigned by the Prime Minister or the minister in charge, and the constitution makes it very clear that the government bears responsibility for countersigned acts.

Only a minor part of the Czech constitution is devoted to security and defence matters. The management and control of the military is conducted by the government, either personally by the Prime Minister or through the Minister of Defence. Similarly, the execution of the budget is the responsibility of the government. The parliament exercises democratic supervision over military affairs through the allocation and control of funds for the military, through legislative processes, plenary discussions and the activities of individual MPs and committees.

Defence, Warsaw, October 1999.

[14] See David M.Olson, Philip Norton 'Legislatures in Democratic Transition', in David M. Olson, Philip Norton, *The New Parliaments of Central and Eastern Europe* (London & Portland, Oregon: Frank Cass and Co., 1996), pp. 4 – 6.

The parliament also enjoys certain important prerogatives regarding the emergency state, yet those regulations were subject to many controversies discussed below.

The President has an honorary function in the Czech political system and in peacetime can act only through government officials. He has a veto power that can be overruled by a qualified parliamentary majority. The President is the Commander–in-Chief of the Czech Armed Forces (art.63 p. c), appoints and promotes generals (art. 63) and call-up mobilisation on the recommendation of the government. He also appoints the Chief of General Staff after consulting the Prime Minister and the Minister of Defence, but this prerogative is not included in the Constitution. Generally speaking, the constitutional regulations leave the President with moral influence on political processes rather than giving him executive competencies of importance. The limiting of presidential powers caused some constitutional ambiguity regarding emergency situations because the President, acting in his capacity as Commander-in-Chief of the Armed Forces, 'ought to obtain the prime minister's consent for employing the forces and for commissioning and promoting the generals. In this connection the president's emergency powers might cause confusion during a crisis'.[15]

The adoption of a democratic constitution prior to the establishment of an independent state encouraged the stability and institutionalisation of Czech politics and prevented political struggles and major conflicts over the division of prerogatives, defence and military affairs included. The clear and permanent distribution of powers before the establishment of the independent Czech nation-state stabilised civil-military relations in the Republic and provided solid foundations for subsequent democratic consolidation on this field.

The approach of the post-communist incumbents in Ukraine to the making of the constitutional framework greatly resembled the situation in Poland, only aggravated by the stateness problem and the complete lack of a tradition of democratic legal order. Therefore, it should not be surprising that constitutional laws were subject to the most acute political conflict in this country and that Ukraine was the last post-Soviet republic and one of the last post-communist countries to adopt a new constitution. The Soviet constitution of 1978 remained in force until 1995 with some few hundred amendments. In 1995 a temporary compromise was reached between the president and the parliament and the Constitutional Agreement was passed, followed by the Bill on Government. Those two documents together formed an interim constitution. Yet, before long that temporary solution became a subject of legal and political dispute.

The making of the constitution fuelled the struggle between the president and parliament over power distribution and delayed the adoption of the permanent constitution in Ukraine.[16] When the Constitution was finally adopted on 28 of June 1996, it was not a product of political compromise but took place in an atmosphere of political scandal and presidential blackmail.[17] The parliament proved to be the weaker in the power contest with the president and the Constitution finally sanctioned the dominant executive position of the president in Ukrainian politics,

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[15] Jeffrey Simon, *Central European Civil – Military Relations and NATO Expansion, McNair Paper*, No 39, (Washington D.C. Institute for National Strategic Studies: 1996), p. 123.

[16] Kataryna Wolczuk, 'The Politics of Constitution-Making in Ukraine', in Taras Kuzio (ed.), *Contemporary Ukraine: Dynamics of Post-Soviet Transformation* (New York and London: M.E.Sharpe, 1998), p. 118.

[17] Tadeusz A.Olszański, 'Uchwalenie Konstytucji Ukrainy' (Passing of the Ukrainian Constitution), *Biuletyn Ukraiński* No 3 (27) (Warszawa: Ośrodek Studiów Wschodnich, 1996), in Polish, pp. 2 - 6.

particularly in the domain of security and defence policy.[18] The president is the Supreme Commander of the Ukrainian Armed Forces with powers to nominate and dismiss top military commanders of all military branches, chair the Council of National Security and Defence of Ukraine and has also has discretionary rights to decide on the composition of this body. The Constitution guaranteed the president very extensive emergency powers and the right of decision on the use of the Ukrainian armed forces. The potential impeachment of the president is an extremely complicated procedure.

The Ukrainian president enjoys extensive powers also in relation to the government. Although the presidential nomination of the prime minister requires the consent of parliament, the government is actually accountable to the president in the first place and only to a limited degree to the Parliament. The president can dismiss individual ministers or the whole cabinet, while the parliament can only vote to express no-confidence in the whole cabinet and recall the government through a qualified majority. In addition the Ukrainian president secured limited law-making powers through the right to issue decrees.[19]

The fact that the constitutional framework of rules and procedures was established in Ukraine was in itself an important step towards reform of the state. However, the Ukrainian system, despite the appearances of democratic presidentialism and inclusion of democratic standard guarantees, was in reality closer to a soft authoritarian system than a representative democracy.[20] Such a

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[18] Wolczuk, 'The Politics', pp. 118 – 137.

[19] Yuriy Lukanov, *Trietiy priezidient. Politichniy portriet Lieonida Kuchmi* (The Third President. Political Portrait of Leonid Kuchma - in Ukrainian) (Kiev: Taki Spravi, 1996), pp. 69 - 70.

[20] Ilya Prizel, 'Ukraine Between Proto-Democracy and 'Soft' Authoritarianism', in Karen Dawisha, Bruce Parrot, *Democratic Changes and Authoritarian Reactions in Russia, Ukraine, Belarus and Moldova* (Cambridge: Cambridge University Press, 1997), pp. 330 – 369.

system was not exceptional among the former Soviet states[21] and featured an over-powerful position of the president in politics, law-making powers granted to the president and disturbed mechanisms of executive accountability. The method of power distribution in Ukraine was insufficiently competitive and took place in the narrow circle of political elites resembling 'clans',[22] many of which had been formed under the communist regime.[23] Those clans managed to establish 'a proprietary claim on the state's power resources' in independent Ukraine [24] and were determined to restrict access to state resources for other political actors. Under such a system full democratisation became impossible in Ukraine and could lead to inhibition of democratic reforms completely.[25]

The prolonged process of making the constitution in Ukraine had a generally negative influence on Ukrainian transition. The slow progress in preparing 'ground rules' hampered the state-building process, weakening the legitimacy of the new

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[21] Gerald M. Easter, 'Preference for Presidentialism: Post-Communist Regime Change in Russia and the NIS', *World Politics,* Vol. 49, No 2, January 1997, pp. 184 - 211.

[22] Tadeusz A.Olszanski, 'Walka klanów na Ukrainie' (The Struggle of Clans in Ukraine, in Polish), *Biuletyn Ukrainski* No 4 (28) (Warszawa: Ośrodek Studiów Wschodnich, 1996), pp. 6 - 7. He identified several informal post-nomenklatura clans in Ukraine which are regionally/industrially centred: Doneck (coal and metal industry), Dnetropetrovsk (defence industry, the centre of political support for president Kuchma, himself coming from defence industry nomenklatura), Kharkiv (heavy industry), agricultural (sovhoz and kolhoz nomenklatura) as well as the elusive Security Services clan, formed by former KGB functionaries. Viacheslav Pihovshchek, 'Jedno "D" Leonida Kuczmy, czyli Dnietropietrowsk przeciw bezpieczeństwu państwa', (One "D" of Leonid Kuchma, or Dnetropetrovsk against the Security (Services) of the State', in Polish), *Biuletyn Ukraiński,* No 1 (25) (Warszawa: Ośrodek Studiów Wschodnich, 1996), pp. 7 - 13.

[23] Geoffrey Hosking, 'Surviving Communism', in Ruth Petrie (ed.), *The Fall of Communism and the Rise of Nationalism*. The Index Reader (London and Washington: Cassel, 1997), p. 210.

[24] Easter, 'Preference', pp. 189 & 211, respectively.

[25] Joel S.Hellman, 'Winner Take It All. The Politics of the Partial Reform in Post-Communist Transition', *World Politics,* Vol. 2, No. 2, January 1998, pp. 203 - 235.

state, and affecting its international position.[26] The interim basic law had only a character of agreement between the parliament and the president and as such was a very weak basis for building democratic institutions of the state. Instead, the inability to achieve consensus on the shape of the political system in Ukraine undermined the legitimacy of the existing institutions, exposed their weakness and opened the way to frequent and rapid shifts in the rules of the political game.[27]

But while the constitutional problems were certainly harmful to democratisation in Ukraine, they did not result in drawing the military into the political contest over power distribution in a manner similar to Poland. On the contrary, the Ukrainian military on the issue of power distribution remained politically neutral and under the firm control of the president.[28] The restraint of the military in Ukraine could be attributed to the dominant positions of the president in both domestic and foreign politicy throughout the transition. Such situation might have hampered democratisation in Ukraine,[29] but the clarity in division of powers kept the Ukrainian military uninvolved in political bargaining in a surprisingly effective way.

In Lithuania, some of the problems related to the preparation of the post-communist constitution resulted from the determination to phase out the Soviet residue from the institutions of the state and to revive the legacy of the pre-war statehood. Moreover, prior to the adoption of the post-communist constitution, the

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[26] Wolczuk, 'The Politics', p. 119.

[27] Interview with Tadeusz Olszański, expert on Ukrainian affairs, Ośrodek Studiów Wschodnich, Warsaw, August 1998.

[28] Tor Bukkvoll, *Ukraine and European Security*, Chatham House Papers (London: RIIA, 1997), p. 18.

[29] Easter, 'Preference', pp. 184 – 211.

conflict between the president and the prime minister erupted on the division of executive powers. As usual, security and defence policy were among the issues at stake.

As a consequence of the *re*-establishment of the pre-war Lithuanian state in 1990 by the parliamentary decision was the restoration of the 1938 authoritarian Lithuanian constitution, which was then suspended and replaced by a rudimentary interim constitutional law. Under that law, the parliament elected the chairman of the Supreme Council to act simultaneously as a president of the state.[30] V. Landsbergis, the leader of Sajudis movement was elected the chairman and provisional chief of the Lithuanian state and quickly began to push towards vesting extensive powers in his office and the creation of a strong presidency. Landsbergis's activities towards the simultaneous creation of presidency and his taking over of the position provoked political debate on the shape of the future political system in Lithuania and and subsequently, the concept was rejected in the popular referendum in May 1992 due to a low turnout.[31] The influence of that controversy was generally positive for the creation of legal framework in Ukraine because it sped up the works in the parliament on the new constitution and helped work out a viable compromise on the political system. Most importantly, it demonstrated that people in Lithuania rejected the idea of having an undemocratically elected president.

The Constitution adopted in October 1992 established a parliamentary system with the government fully accountable to the parliament, but with a strong position of the president in the areas of foreign and security policy. The president is

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[30] Alfred Erich , 'Lithuania's First Two Years of Independence', *Journal of Baltic Studies,* Vol. XXV, No. 1, Spring 1994, p. 82.

elected in a direct ballot for five and his prerogative include selection and appointment of a prime minister upon parliamentary approval, right of legislative initiative, veto power on parliamentary bills and the right to issue acts or decrees which need to be countersigned by the Prime Minister or a minister in charge. The president can be removed only through the impeachment procedure.

The president is the Supreme Commander of the Armed Forces and upon parliamentary approval appoints or dismisses the Chief Commander of the Army and the director of the Security Services as well as confers the highest military ranks. The president also has limited emergency powers. Finally, he is the Head the State Defence Council of Lithuania. These prerogatives give the president a strong position in defence affairs, later confirmed by other defence laws. At the same time, the constitution obliges the government to administer the affairs of the country, including military and defence issues, to protect the inviolability of its territory and to ensure the security of, and public order in, Lithuania. Such a situation holds a potential for competition between the president and the government over defence competencies, which is always detrimental to the democratisation of civil-military relations.

Lithuania, having created its national army from scratch, included many provisions in the Constitution which were to ensure the establishment of democratic civil-military relations form the start. In fact, the Lithuanian Constitution put the greatest emphasis on this area out of all of the post-communist states. Some of the provisions of the Lithuanian constitution were particularly conducive to the democratic consolidation of civil-military relations. For example, the constitutional

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[31] Sylwester Przybyła, *Litwa* (Warszawa: MON, Departament Społeczno -Wychowawczy, 1998), p. 43, in Polish; Alfred Erich Senn, 'Lithuania's First Two Years of Independence', *Journal of Baltic Studies,* Vol. XXV, No. 1, Spring 1994, p. 83.

articles provided that the Minister of Defence may not be a person in active service and forbid

> soldiers in active military service or alternative service, officers of the national defence, the police and the internal service, non-commissioned officers, and other paid officers of military and security services (to be) members of the Seimas or of local government councils. They may not hold elected or appointed posts in State civil service, and may not take part in the activities of political parties and political organisations.[32]

The Lithuanian determination to eradicate the Soviet legacy from the political system left the country with no option other than the prompt adoption of these basic political rules. Without them, the state would have to function on the foundations of the communist system. The Lithuanian example illustrates how an early adoption of a permanent constitutional law is conducive to the consolidation of democracy in the state and helps democratise civil-military relations.

Military Legislative Regulations

In established democracies, the legal and procedural arrangements stem from constitutional provisions which together form a framework of policy-making rules as well as regulate conflict resolution. Such a framework ensures long-term stability of the political system, including civil – military relations.

Post-communist polities emerging from the party-state organisations urgently needed a written legal framework, particularly as the informal arrangements took too long to settle down and without laws in place, many reforms could not be continued. In this process, a particularly important role was given to the parliaments. However,

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[32] Article 141 of the Lithuanian Constitution.

despite all the significance that the legal regulations carried for the civil-military transformation as well as the general reform of the state, in reality the legislative reform, and in particular the military legislative reform, suffered numerous delays, hold ups and inconsistencies. The ensuing absence of clear rules for the management and supervision of the armed forces encouraged chaos and intra-executive competition over control of the military, and constituted yet another factor possibly involving the military in politics. Finally, the struggles over the shape of the legal framework for the military engaged the parliaments in political conflict and hindered their transformation from merely communist 'rubber stamps' for party directives to genuine democratic legislatures.

Despite the fact that Poland was notorious for its civil-military relations throughout the first half of 1990s, the history of Polish legislative reform illustrates the potentially beneficial impact of the legislative regulations on civil-military relations. Poland was an example of the processes leading from military empowerment and an undermining of the democratic consolidation of the state to the saving of the transformations through legislative reform. The prolonged interim status of the constitutional law encouraged political competition and inhibited institutionalisation of the policy – making processes. The adoption of the permanent constitution in 1997 improved the legal situation of the military and civil-military relations. At the same time, however, certain controversies regarding the division of powers continued to hinder democratisation of the military legal framework in Poland even after the implementation of the permanent constitutional provisions.

Poland did not manage to complete its legislative reform before accession to NATO and consequently entered the Alliance with a highly incomplete and

unstructured legal framework for the military. By end of 1998 the military legislature was dispersed between 22 various parliamentary laws and supplemented by an additional 120 acts of lower order.[33] Some important regulations, for example on the wartime administration of the state, were absent from the legal system altogether. For example, the constitution provided that in case of war the president would nominate the Supreme Commander of the Armed Forces. However, in the light of the existing laws it was not clear whom the president should appoint for this position.[34] Another problem was the continued validity of the obsolete laws. The Law on Universal Military Service was originally adopted in 1967 and was in force until June 1999 when the new Law on Military Service and Other Defence Duties replaced it. Another example of scandalous neglect was the law on emergency states. Due to stalled legal reform, by 1999 Poland still had regulations on martial law based on the draconian decree of 1981 while the change of constitution in 1997 left a complete legal vacuum regarding other types of state of emergency.

Another problem of legal reform was the unstructured and chaotic character of the legislative process. The already mentioned Law on Military Service and Other Defence Duties was supposed to be a foundation for the Polish defence and security system, yet instead of being the first one to be prepared, it was adopted as the last constitutional act in the package of military reforms undertaken by the parliament under the pressure of prospective membership of NATO.[35] Worse still, its first version failed to comply with provisions of the administrative reform due to take

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[33] Kazimierz Nalaskowski, 'Marzenia prawne' (Legislative Dreams), *Polska Zbrojna* No 43, October 1998, p. 23.

[34] Zbigniew Derdziuk, 'Porządki kompetencyjne' (Putting Competencies in Order), *Polska Zbrojna*, No 24, June 1999, pp. 14 - 15.

[35] Bronisław Komorowski, 'Plan poważnej debaty' (Plan of the Serious Debate), *Polska Zbrojna* No 49, December 1997, p. 2.

effect on 1st January 1999[36] and so the Law had to be changed and go through the full legislative procedure again. A similar problem arose in 1998 when the public ombudsman questioned the possibility of sending anti-chemical defence troops to the Gulf in February 1998[37] based on the existing regulations leading the parliament to hastily adopt an appropriate bill with a limited period of validity.[38]

However, in Poland the political controversies focused on one law in particular, that is the Law on the Minister of National Defence. The story of legislative proceedings on this law reflected typical controversies of the legal reform of the post-communist military. Poland as the second largest contributor of troops to the Warsaw Pact inherited a concept of the absurdly strong post of minister of defence. The original 1967 Law on the Universal Military Service granted very extensive powers to the minister, yet in the conditions of Soviet tutelage those ministerial prerogatives were meaningless.[39] However, when the law became truly valid after the dissolution of the Warsaw Pact, the issue of reforming the Ministry of Defence became urgent.

Based upon a Prime Ministerial directive[40] in 1991 the so-called Żabinsky's Inter-Ministerial Commission for Reform of an Organisation of the National Defence was set up. The Commission worked out a set of proposals for the reorganisation of the defence sector, which were only partially implemented by subsequent governments but nevertheless changed the basic design of the defence

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[36] Bronisław Komorowski, 'Bez obietnic' (No promises), *Polska Zbrojna* No 49, December 1998, pp. 10 - 11.

[37] Jerzy Jachowicz, 'Prawo do wojny' (Right to War), *Gazeta Wyborcza* 19 February 1998.

[38] Nalaskowski, 'Marzenia', *Polska Zbrojna* No 43, October 1998, p.23.

[39] Janusz Onyszkiewicz, *Ze szczytów do NATO* (From Mountain Peaks to NATO) (Warszawa: Bellona, 1999), p. 204, in Polish.

[40] Resolution of the Prime Minister of 29 December, *Monitor Rządowy* No 67/ 1990.

management in Poland. The bottom line of the Żabinsky's reform proposal was a strict separation of the Ministry of Defence from the General Staff.[41] The introduction of this particular recommendation in the long run had a disastrous effect on civil - military relations in Poland because it enhanced military autonomy and prompted political conflict over the subordination of the Chief of General Staff. The full impact of the reform will be discussed later but here it is important to realise that the proposal of Żabinsky's Commission was the main source of the civil - military struggle inside the MOD and ultimately forced the parliament to work out a corrective reform proposal in the form of the Law on the Minister of Defence.

The adoption of the Law was preceded by a long and bitter political debate during which the parliament confronted the president over the shape and subordination of the General Staff. President Wałęsa proposed the creation of a semi-independent military structure with considerable autonomy and split lines of subordination. The Chief of General Staff was to be responsible to the Minister of Defence over things concerned with military administration, but at the same time he would be obliged to carry out presidential decisions in foreign and defence policy matters and be accountable to the President in that respect. That solution not only threatened the principle of democratic civilian control, but also represented an attempt at adjusting the constitution through the back door – then still the Little Constitution - to enhance presidential executive powers. The parliamentary counter proposal went in the opposite direction of curtailing presidential prerogatives in

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[41] '*Projekt struktury organizacyjnej pionu cywilno - wojskowego i główne zadania*' (Project of Organisational Structure of the Civil - Military Sector and Its Main Tasks), prepared by colonel Stanisław Dronicz, the Secretary of the Team No 1 of the Commission, MOD, Warsaw, April 1991.

military and defence matters and subordinating the General Staff unequivocally to the ministerial authority.[42]

The Law was finally adopted on 14 December 1995 in the form proposed by the parliament.[43] It subordinated the Chief of General Staff to the Minister of Defence and incorporated the General Staff as an integral part of the MOD structure. The Law also reversed some of the earlier and harmful decisions and moved the Military Intelligence Services and Military Attachés Office back into the ministerial structure.[44]

The adoption of the Law on the Minister of Defence in one sense was an anomaly because it gave the MOD the special status of being the only ministry regulated by a separate legal act. Therefore the Law generated confusion among some external observers. For example, Szemerkenyi suggested that the reform '....created a radically new relationship between the Ministry of Defence and the General Staff...unknown in all well established Western democracies, but reminiscent of the old Soviet system.'[45] In reality the Law on the Minister of National Defence was the first radical step away from the old Soviet system[46] and enable further legal and structural reforms of the military which the General Staff could no longer block. The passing of the Law had another important dimension of establishing the Parliament as a significant actor in civil-military relations. The parliament proved to be an institution capable of breaking the political stalemate and

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[42] Interview with Bronisław Komorowski, October 1999.

[43] *Law on the Office of the Minister of National Defence, Dziennik Ustaw* No 10/1996, title 56.

[44] 'Próba deMONtażu' (An Attempt of MOD Dismantling), *Gazeta Wyborcza*, 14 December 1995.

[45] Réka Szemerkényi, 'Central European Civil - Military Reforms At Risk', *Adelphi Paper* No 306/1996, IISS, p.14.

[46] Interview with Dr Andrzej Karkoszka, Under-Secretary of State for Defence, Polish MOD, September 1997.

the organ able to check any excessive ambitions of the president and reverse anti-democratic trends in the management of defence.

The approach of the Czech authorities to the creation of the military legislative framework reflected a very low priority given to the defence reforms. Between 1990 and 1992 the Czechoslovak Federal Assembly focused on de-politicisations and de-communisation of the military as well as rehabilitation of the former officers purged after the 1968 Prague Spring. The Czechoslovak parliament adopted only three new legal acts concerning the military and other relevant regulations were only amended.[47] The legislative deadlock prior to the break up of the Federation completely stalled any progress in military legislative reform and froze the legal situation of the army for several monthes.

The situation did not improve after separation from Slovakia.[48] Before 1997 only one major regulation was adopted on the military. It was the Law No 15/1993 formally establishing the Czech Army and defining its role in defence of the freedom, sovereignty and territorial integrity of the Czech Republic. Major legislative activity took place in the Czech Republic only under direct pressure from NATO officials when the prospect for Czech membership of the Alliance became feasible. In 1997 the Czech government and the parliament prepared a comprehensive package of legal regulations on military and defence management in peacetime and war. However, the remaining time proved too short to pass the proposals through the full legal procedure and as a result the Czech Republic entered

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[47] Law No 74/1992 on selected aspects of military service; No 124/1992 establishing military police and No 480/1992 on material security of the military personnel and students in military schools.

[48] Jan Dubenský, 'K připravovaným zákonům o resortu obrany', *Vyběr Stati,* April 1998, p. 1.

NATO with a long list of outdated regulations and legislative gaps.[49] For example the Law on Military Discharge was from 1949, the Law on Defence from 1961 and the Law on Service Conditions for Soldiers from 1959.[50]

Work on legal and procedural reform gathered speed in 1998. First the National Defence Strategy was approved to serve as a 'conceptual base for the development of a complex defence system' and replace the obsolete White Book of 1995.[51] Based on the Strategy, an important Law on Security of the Czech Republic[52] was adopted and the other six legislative proposals were submitted to legislative proceedings. These were the following laws:[53]

- On the Defence of the Czech Republic[54] laying out defence duties of state authorities, local self-governments, legal entities and individual persons;
- On the Army of the Czech Republic[55] delineating defence competencies of the government bodies, duties of the ministry of defence and the general staff and defining the organisational structure and main tasks of the armed forces. This law

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[49] Interview with Dr Petr Veit, Deputy Director, Legislative Department, Czech MOD, Prague, September 1999.

[50] Antonín Rašek, 'Rozhodovaci procesy v civilní kontrole armády' in Miroslav Purkrabek (ed.), *Rozhodování finansování a komunikace ve veřejné politice v České republice* (Planning, finance and communication in the internal policy of the Czech Republic) (Praha: Vesmir, 1997), p. 173 – 174, in Czech; Štefan Sarvaš, 'The Shift from the Transitional to the Democratic Agenda: the Problems and the Future of Democratic Control of Armed Forces in the Czech Republic' (Prague: Institute of International Relations, 1997), p. 44.

[51] *Ročenka 1997, Ministerstvo Obrany České Republiky* (Annual of the Czech MOD) (Prague: MOD, 1997), p.119.

[52] *Ústavní zákon o bezpečnosti České Republiky,* Law No 110/1998.

[53] Jan Dubenský, 'K připravovaným zákonům o resortu obrany', *Vyběr Stati,* April 1998, pp. 1 – 26, in Czech and interview with Dr Petr Veit, Deputy Director, Legislative Department, Czech MOD, Prague, September 1999. Laws available at web pages of Chamber of Deputies at http://www.psp.cz and Senate at http://www.senat.cz, 12 September 1999.

[54] *Zákon o zajištovaní obrany České Republiky.*

[55] *Zákon o armádé České Republiky.*

regulated military participation in international/humanitarian missions and in the maintenance of internal security and constitutional order of the state. The law forbade political activity in the armed forces;

- On Basic and Alternative Services, on Military Training and on Selected Legal Aspects of the Military in Reserve,[56] regulating the conditions of military service;
- On Military Administrative Authorities,[57] laying down an organisational structure for military administration;
- On Foreign Armed Forces on Czech Territory and on Czech Armed Forces Deployed Abroad,[58] bringing Czech regulations in line with the NATO SOFA agreement of 19 June 1951;
- On Career Soldiers;[59]
- On Civil Defence.[60]

The overview of the missing regulations of the military and defence matters in the Czech Republic makes one wonder how those spheres could function without the fundamental regulations. Those legislative delays were not only caused by the low political priority of those issues and absence of policy guidelines, but also the lack of inter-agency co-operation that resulted in the submittal of rival legislative proposals by various bodies and extended parliamentary proceedings.[61] The

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[56] *Zákon i průběhu základní (náhradní) služby a vojenských cvičení a o některých právních poměrach vojáků v záloze.*

[57] *Zákon o vojenských správních úřadech.*

[58] *Zákon o cizích ozbrojených silách na území Českе Republiky a o ozbrojených silách Česke Republiky v zahraničí.*

[59] *Zákon o vojácích z povolání.*

[60] Zákon o civilní ochraně.

[61] Interview with Dr. Petr Veit, Prague, September 1999; Sebestyén Gorka, *What's in the Pack-Sack? – Contribution to European Security from Poland, the Czech Republic and Hungary.* Defence Studies No 26 (Budapest: Institute for Strategic and Defence Studies, 1999), p. 39.

prolonged lack of permanent legislation had a negative impact most of all on army manpower: it frustrated career soldiers and complicated civilian employment in the defence sector due to lack of appropriate regulations.[62] On the other hand, the fact that the absence of such vital regulations did not cause major disruptions in democratic civilian control of the military nor provoke political struggles speaks well of the strength of the Czech military tradition of unequivocal subordination to the civilian authorities.

The need to create a legal and procedural framework for the national military was perhaps more pressing in Ukraine where it was treated as an important step towards asserting the sovereignty and independence of the post-Soviet republic. The provisions for creating the separate Ukrainian army were already contained in the Declaration of Sovereignty of July 1990, paragraph IX.[63] Immediately after the proclamation of independence, those preliminary provisions were worked out into a military legislative package. In the course of 1991/1992 the Ukrainian parliament adopted over seventy new bills,[64] outlining the procedures for the formation of the separate Ukrainian military and building the legal foundations for its existence within the independent state. This legislative effort continued throughout 1992, during which the following important laws were passed:[65]

1. 'On Ukrainian Defence' of 6 December 1991;[66]

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[62] Interview with Jiři Dlukoš, Personnel Division, Legislative Directorate, Czech MOD, Prague September 1999.

[63] Bohdan Pyskir, 'The Silent Coup: The Building of Ukranie's Military', *European Security*, Vol. 2, No. 1, Spring 1993, p. 141.

[64] Michta, *The Government*, p. 204.

[65] V.Kopieychikov, A.Kolodiy, O.Ukrainchuk, 'Pro konciepciyu nacionalnoy biezpieki Ukraini' (On the concept of the national security of Ukraine) *Pravo Ukraini*, No 5 - 6, 1993, pp. 9 - 12 (in Ukrainian).

[66] *Pro oboronu Ukraini*, Vidomosti Vierhovnoy Radi Ukraini No.9, pos.106, 1992.

2. 'On Armed Forces of Ukraine' of 6 Dec. 1991;[67]

3. 'On State Borders of Ukraine' of 4 Nov. 1991;[68]

4. 'On the Border Troops of Ukraine' of 4 Nov. 1991;[69]

5. 'On Alternative (Non Military) Service' of 12 Nov. 1991;[70]

6. 'On Military Duties and Military Service' of 25 September 1991;[71]

7. 'On Social and Legal Protection of the Military and Their Families' of October 1991.[72]

Those laws were supplemented by presidential decrees and formed a framework for establishing an independent, non-Soviet chain of hierarchy,[73] put foundations of the Ukrainian national armed forces and of universal conscription.

Having accomplished the changes to the rudimentary rules, the Ukrainian legislature appeared to have lost interest in the military and the progress of legal reform was stalled for the next few years. This was a result of two separate political processes. First, the general institutionalisation of the Ukrainian polity slowed down in the years 1992 – 1994 because no political actor or force had vested interests in the prompt legislative regulation of state institutions and so constitutional progress became impossible.[74] Secondly, the first Ukrainian president, Kravchuk, used the military as a catalyst for the nation and state-building processes and as a symbol of the sovereign nation-state while neglecting the formal side of the formation of the

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[67] *Pro Zbroyni Sili Ukraini*, No.9, pos. 108, 1992.

[68] *Pro dierzavniy kordon Ukraini*, No.2, pos. 5, 1992.

[69] *Pro Prikordonni Viyska Ukraini*, No.2, pos.7, 1992.

[70] *Pro altiernativnu (niebiyskovu) sluzbu*, No.15, pos. 188, 1992.

[71] *Pro viyskoviy oboviazok i viyskovu sluzbu*, NO.27, pos. 385, 1992.

[72] Final version approved on 20 December 1991, No.15, pos. 190, 1992.

[73] On 12 December 1991 president Kravchuk issued a decree, according to which he took over command of all the troops stationed on the Ukrainian territory with the sole exception of Strategic Forces.

national military.[75] His successor, president Kuchma, adopted a lower profile on the nation-building activities, yet he preferred to use the decrees to regulate military matters. As a result, apart from the constitution, only one important law was passed in Ukraine between 1992 and 1999 delineating responsibilities inside the MOD structures.

With the assertion of independence and sovereignty the Ukrainian administration was forced to invalidate the Soviet military laws to underline the fresh start, but that created a legislative vacuum. Filling in the vacuum was a complicated political process because it was carried out with haste by the legislature which was ill prepared to discharge duties of a parliament of independent state and was hampered by the uncertainty of the domestic and international situation. Moreover, the new statehood required an entirely new legal framework that had to be created from scratch. In fact, in nearly a decade, Ukraine managed only to prepare the rudimentary legal framework, and a number of important laws still awaits legislative processing. The absence of the legal and procedural framework in Ukraine contributed to the extremely low institutionalisation of the polity and in fact precluded an emergence of democratic mechanisms of military management and control by civilian authorities.

Lithuania was more radical in rejecting the Soviet legacy of military law and started creating new democratic rules with more dedication that was the case with Ukraine. However, compared to Ukraine, Lithuania was in a more advantageous position. The country had a pre-war tradition of a modern nation-state and this

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[74] Wolczuk, 'The Politics', p. 135.

[75] Andrea Chandler, 'Statebuilding and Political Priorities in Post-Soviet Ukraine: the Role of the Military.' *Armed Forces & Society*, Vol. 22, NO. 4, Summer 1996, pp. 577 – 580.

provided the authorities with models to draw upon. The total rejection of the Soviet legal heritage put an added pressure on the Lithuanian parliamentarians to quickly work out new system and this situation gave the Lithuanians an opportunity to produce a comprehensive legal system regulating all aspects of military and defence matters in one legislative package. Moreover, thanks to an early adoption of the Constitution Lithuania could prepare laws in the proper order, starting with the fundamental laws and going down to more detailed issues. It must be admitted that the country made use of those advantages offered by the situation of a new beginning and regulated the majority of the legal issues pertaining to the military and defence in two fundamental laws. By 1999 Lithuania had the most complete framework of legal and procedural rules in place among the four case countries.

The *Law on the Basics of National Security*, adopted in 1996, became the fundamental law for the security and defence system. In May 1998 the Law on the Organisation of the National Defence System and Military Service supplemented it. These two laws regulate the majority of issues concerning the military, security and defence policy in Lithuania.

The Law on the Basics of National Security established and defined the basic principles of the national security system in Lithuania,[76] including social, cultural and ethnic policy as integral parts of the state security policy. The document presented the principal provisions of the defence policy of Lithuania, assessed risks and threats to national security and surveyed the major institutions in the defence system of the state. According to the Law, the integration with the NATO defence system was the most important measure to ensure the security of the Lithuanian state. The Law also delineated the prerogatives and responsibilities of the major

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[76] Chapter 3 of the *Law on the Basics of National Security*.

institutions in charge of the military, defence and security policy, including the government, the parliament, and the Minister of National Defence. The final section established the detailed structure and functions of the regular armed forces, Voluntary National Defence Services (SKAT) and active reserve force.

Lithuania attached great significance to the legal regulation of civil - military relations. This was motivated by the desire of the authorities to comply with NATO standards for membership, but nevertheless gave results in the form of detailed legal norms enshrining basic democratic principles. The Law on the Basics of National Security devoted the entire chapter to democratic control over the armed forces and other national security institutions. Among other things it specified that 'all decisions on defence policy and the armed forces shall be made by democratically elected civilian government' and that all defence expenditure 'shall be public knowledge'. Secondly, the Law provided that only a civilian person could be nominated to the post of the minister of defence and emphasised the superiority of the Minister over the Commander of the Armed Forces.[77]

The *Law on the Organisation of the National Defence System and Military Service* was a supplement to the Law on the Basics of National Security which laid out in detail the scope of power of the MOD and the General Staff. Secondly, the document regulated the professional, contract and conscript military services and the conditions of entering and terminating such service, including payment and social benefits, assessment criteria and discipline. The same Law comprised regulations on the employment of civilians in the defence sector and regulated their status.

The Lithuanian effort to create the legal and procedural framework for the military from scratch and simultaneously bring it in line with NATO standards of

democratic civil - military relations deserve appreciation. The Constitution and two major laws covered the majority of the issues of military and defence policy. And while the domestic struggles in the early 1990s delayed legislative reform, the common goal of membership in NATO as well as the sense of threat from Russia united the politicians in the joint effort to create the credible national armed forces and assert control over them without provoking an outbreak of major political conflict.[78] Also the legal distribution of powers, usually conflict prone in the post-communist polities, was carried out in a comprehensive and orderly manner shortly after independence.

Division of Prerogatives and Responsibilities

The division of prerogatives and responsibilities in the post-communist countries was one of the most important and contentious aspects of the legislative reforms. The communist legacy created a vicious circle of political conflicts: the post-communist polities lacked basic rules for conflict resolution, the distribution of powers between the major political actors was causing conflicts, and because there were no established rules to resolve the conflict, the problems escalated. The low level of institutionalisation of the systems and weak or non-existent mechanisms for accountability of the major political actors heated up political struggles, and the interim constitutional laws helped in further deteriorating the situation. Conflicts over power were occurring in each of the post-communist polities, however in some

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[77] *Law on the Basics of National Security*, Republic of Lithuania, Vilnus, December 19, 1996, No VIII – 19, chapter 8, pp. 9 – 10, official translation into English.

[78] Interview with Dr Algidras Katkus, MP, Chairman of the Seimas Committee on National Security and Defence, Lithuanian Parliament, Vilnus, February 2000.

extreme cases they led to military involvement in a political 'tug-of-war' and as in the case of Poland, dangerously disrupted the processes of democratic consolidation.

Precisely the failure to establish a system of clearly divided powers and responsibilities in Poland led to a dangerous distortion of civil-military relations and threatened democratic consolidation in this country. The seeds of the problems were sown during the transitional opening when the Round Table agreement of 1989 vested extensive powers in the presidency. The Round Table arrangements were implemented prior to an establishment of democratic institutions in Poland and that later became a source of political contention between the key policy-makers and turned the issue of control over the military and defence policy into a main subject of controversy.

Following the victory of Lech Wałęsa in the 1990 presidential elections, the new president began pressed for the enhancement of his executive powers. In the pursuit of his goal, he confronted the parliament that was then still extremely weak from its recent systemic transition and, fragmented after the 1991 elections, there was also an unstable government. In the absence of mechanisms for conflict resolution, the three parties became locked in a long and mutually destructive conflict.[79] The adoption of the Little Constitution only temporarily settled the problem. Rather than clarifying the division of prerogatives, the interim constitution provided powerful incentives for the rival politicians to stretch the legal regulations and act outside the constitutional boundaries in order to achieve maximum empowerment as long as changes to the constitution were possible. Moreover, the system created by the Little Constitution was destructive for the processes of

democratisation. The interim Constitution introduced a hybrid presidential - parliamentary system, which combined some of the worst 'perils of presidentialism' with some of the most negative features typical of early post-communism.[80] A dual executive power with two independent sources of legitimacy was a defining feature of that system.

In that mixed political order the president appeared to have won his own, strong legitimacy in the popular elections and felt that that credited him with the right to be a dominant executive figure. And indeed, the Little Constitution gave him a powerful executive position with only limited accountability and with difficult removal procedures. At the same time, the government was formed, dismissed and held accountable through the regular parliamentary procedures typical of the parliamentary – cabinet system and so it represented the second, equally strong leg of the executive power in Poland. The inherent instability of that system was a consequence of an executive dualism in which powers and responsibilities were blurred and overlapping. Holmes' warning that such a hybrid political system could generated a great potential for policy stalemates and that 'the personalities of the incumbent of senior offices can dramatically affect the efficacy of a particular arrangement' therefore proved particularly true for Poland.[81] The conflict between the President and the government over the scope of executive powers became inherent to the system.[82]

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[79] Maurice D.Simon, 'Institutional Development of Poland's Post-Communist Sejm: A Comparative Analysis', in Olson, Norton, *The New Parliaments*, pp. 62 – 66.

[80] Leslie Holmes offered a 14-point characteristic of post-communism which illustrated many of the negative features of the post-communist polity. See Leslie Holmes, *Post-Communism: An Introduction* (London: Polity Press, 1997), p. 14.

[81] Holmes, *Post-Communism*, p. 174.

[82] See Thomas A.Baylis, 'Presidents versus Prime Ministers. Shaping Executive Authority In Eastern Europe', *World Politics*, No 48, April 1996, p. 310.

The president pushed his constitutional prerogatives to the limit in order to secure a more prominent position. The problem for the civil - military transformation began when president Wałęsa singled out the military as a source of stable political support and an instrument of pressure on other political centres. From Wałęsa's point of view, the military represented a useful instrument of political leverage, both in symbolic and real terms. Therefore the activity of the presidential office went in the direction of achieving total control of the military and close co-operation with the General Staff. From 1994 on Wałęsa managed to establish a political practice of leaving the selection of the ministers of defence, internal and foreign affairs entirely to him.[83] In the absence of institutionalised selection procedures, the president made extremely arbitrary choices and coerced the parliament to abide. For example, admiral Adam Kołodziejczyk was offered for the second time the post of the Minister of Defence in 1994 during Wałęsa's private party along with a verbal promise that if he accepted the proposal, Wałęsa would 'take care of the rest'.[84] General Stelmaszuk, the former Chief of General Staff remembered how the president and his political assistants were inviting selected military commanders, among them the future Chief of General Staff, Gen. Wilecki, to the meeting in the presidential office and caused the officers to break the rules of disciplinary regulations, as they failed to notify the Chief of General Staff on their temporary absence.[85] The explanation typically given by Wałęsa was that his constitutional prerogatives of Supreme Commander-in-Chief meant that the responsibility for key military appointments and the selection of the Minister of

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[83] Prime Minister Waldemar Pawlak was the first Prime Minister who left the nominations to the President rather than just seeking his approval for the PM's candidates, as the Constitution stated.

[84] Interview with admiral Piotr Kołodziejczyk, former Minister of National Defence, Poland, Gdynia, July 1997.

Defence presupposed more direct, executive powers over those policy sectors, and therefore justified his actions.[86]

The competency conflict in the executive had fatal consequences for the civil-military transformation in Poland. An instrumental treatment of the law and its interim character provoked a serious institutional crisis of the state and encouraged military involvement in politics. The struggle between the president and the government over control of the military and defence matters had yet another harmful effect of splitting control over the military between various administrative bodies, with ill-defined limits on their powers.[87] Worse still, the highest military echelons acquired such a political leverage through close personal relations with the president that they ultimately gained control over policy agenda for military reform and were able to block execution of the governmental decisions.[88]

As the political crisis deteriorated into an open fight between the president and the government and as the democratic control of the military became an illusion, the parliamentarians undertook an attempt to regulate the defence competencies in the Law on the Minister of Defence. However, the works on the law were delayed by the uncertainly regarding the future shape of the permanent constitutional law and revealed a continued lack of political consensus on the model of civil-military relations in Poland. The issue of control over the military was not treated as a necessary element of democratisation of the state, but as a kind of political 'trophy' and instrument of leverage. For instance, the left wing parties supported radical

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[85] Onyszkiewicz, *Ze szczytów*, p. 193.

[86] Mirosław Cielemięcki, 'Kto jest faktycznym zwierzchnikiem polskich sił zbrojnych' (Who is the Genuine Supreme Commander-in-Chief of the Polish Armed Forces), *Wprost*, 12 September 1999, pp. 26 - 28.

[87] Gow, Birch, *Security and Democracy*, p. 28.

[88] Interview with Dr Andrzej Karkoszka, September 1997.

curtailing of the presidential powers only as long as Wałęsa was the president. When it became clear that their candidate, A.Kwaśniewski, was the likely winner of the next elections, they radically changed their position in the parliament and opted for a last minute change to the project of the constitution adding the controversial right to nominate the Chief of General Staff, military commanders etc.[89]

However, despite the improvement made by the constitutional law of 1997 in clarifying the competency division, those last minute additions ruined the clarity of the political system of the Polish Constitution and blurred the lines of responsibility once again. The controversy was renewed by the milieu of the new president, and in particular by Marek Siwiec, the Head of th presidential National Security Bureau who pressed for enhancement of his powers in turn.[90] This time, major controversy surrounded the president's constitutional function as the Supreme Commander-in-Chief and the prerogatives and responsibilities derived from that position. According to Siwiec, the president as the C-in-C should have a direct executive influence over the most important decisions regarding the security and defence policy; he dismissed the constitutional article saying that in peacetime this function should be exercised through the Minister of Defence as imprecise and only 'reflecting the spirit of the Constitution'.[91] Other prominent members of the presidential personnel agreed with such an interpretation.[92] President Kwaśniewski himself took a similar position in a 1998 interview:

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[89] Interview with Bronisław Komorowski, October 1999. Cielemięcki, 'Kto jest faktycznym', p. 27.

[90] Interview with Bronisław Komorowski, October 1999.

[91] Statement of Marek Siwiec, director of the National Security Bureau (BBN), *Wprost*, No 37, 12 September 1999, p. 27.

[92] 'Democracja szanuje wojsko' (Democracy Respects the Military) interview with minister Danuta Waniek, Director of the Presidential Administration, *Polska Zbrojna* No 13, April 1997, p. 10.

If the Constitution gave the President significant prerogatives and responsibilities in important personnel decisions regarding emergency states, mobilisation and defence preparations, and also requires the President to safeguard sovereignty and security of the state and inviolability of its borders as well as territorial integrity, then it cannot be - as some politicians say - 'a symbolic role'...The intention of (constitutional) legislator...was to ensure the complementary role of both bodies, that is the President and the government. I see the article regarding the presidential exercise of the function of the Commander-in-Chief through the Minister of Defence in a similar way. The Minister must know what are his duties toward the President, and the President cannot depend on the arbitrary decision of the Minister regarding the scope of co-operation.[93]

The issue of the presidential role in defence and military matters and his exact position in the civil-military relations was not resolved definitely and it is a 'conflict in waiting' which may flare up in a crisis situation. And although after the change of the office of president, and in the aftermath of the introduction of the Constitution and the Law on the Minister of Defence, Polish civil-military relations tended to be more placid, occasionally the unresolved competency conflict in the executive surfaced in the course of legislative works when as a rule, the president and the governing would take contradictory positions. This was the case with February 1998's law on the foreign deployment of Polish troops[94] when both sides

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[93] Interview with President Aleksander Kwaśniewski, by Janusz Grochowski, *Polska Zbrojna*, No 33, August 1998, p.11.

[94] 'Drążenie wojska' (Penetrating the Military), interview with prof. Adam Zieliński, Ombudsman, *Polska Zbrojna* No 9, February 1998, pp. 10 - 11.

strove to gain unilateral right of decision.[95] A similar pattern was repeated with the Law on the Protection of Confidential and Secret Information when the presidential representatives demanded special rights for the president of access to confidential and secret matters and the Prime Minister rejected the proposal. Also with the Bill on Martial Law in the introduction of which the 1997 presidential proposal assigned a decisive role to the president with the government responding in 1998 with its own counter-proposal, where the decision-making powers were fully vested in the government.[96]

The competency conflict permeated the civil-military relation in Poland from the onset of transition and inhibited their satisfactory democratisation. Legal reforms and progressive, though slow, institutionalisation of the post-communist political system reversed the negative trend, curtailed military autonomy and re-subordinated it to the democratically elected representatives of the government. However, the instrumental treatment of the military as a tool of political leverage led to the preservation of elements of the mixed political system and left a debris of constitutional controversy regarding a division of powers between the president and the government. The progress in democratisation of civil-military relations may form a constitutional practice and clarify the situation; however, the unresolved issues of military control carry a potential for the renewal of conflict. In general, the developments in Polish civil-military relations demonstrated the weakness of democratic tradition in this state and the importance of legal reform in such countries.

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[95] Jerzy Jachowicz, 'Prawo do wojny'.

[96] Derdziuk, 'Porządki', pp. 14 - 15.

The Czech Republic was among the few countries that avoided an acute competency conflict over military management and control. The Czech democratic tradition and the early adoption of legal foundations certainly helped to avoid conflict, yet the low priority attached to the military and defence issues also played a role. However, the Czech Republic did not avoid conflict all together. The legislative deadlock that occurred in 1992 and led to the break up of the federation, the separation of the federal states itself as well as legislative delays in setting the legal framework for the military generated a situation contentious enough to provoke a mild conflict between the president and the prime minister. President Havel twice undertook attempts to gain greater executive powers in domestic politics, first in Czechoslovakia on the eve of 'Velvet divorce' and, later, in the Czech Republic. Each time the proposals concerned among other issues the military, but the parliaments rejected both proposals.[97] This resulted in the post-divorce political situation featuring a disparity between formal and existing state of affairs: while the formal prerogatives of the president reduced him to representative and symbolic functions, in reality president Havel was one of a few politicians showing a serious and sustainable interest in the military.[98] Havel's stress on the Czech military tradition in defence of democracy, his outspoken support for Czech participation in international operations, the moderating influence on the initial phases of the screening processes, and the setting up of the Military Office of the President to provide contacts between the President and the Czechoslovak army[99] improved the image of the army and guaranteed a minimal degree of political

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[97] Baylis, 'Presidents versus', p. 312.

[98] Interview with general Karel Pezl, former Chief of Defence Staff and presidential security advisor, Officer of the President, Czech Republic, Prague, September 1999; Rašek, 'Rozhodovaci', p. 164; Szemerkényi, 'Central European', p. 9.

interest in military reforms. Moreover, Havel showed a considerable determination to carry out the process of civilianisation of the Ministry of Defence as soon as possible.[100]

The slowly emerging model of civil-military relations where the military had close relations with the president rather than the prime minister was against the logic of the Czech constitutional order, according to which the body responsible for the conduct of military and defence matters was the responsibility of the government. And, although prime minister V.Klaus was well known for his lack of interest in defense and military issues, nevertheless the political competition between those two political centres and personalities gradually forced president Havel to adopt a lower profile in the field, sadly to the detriment of the military reforms.[101]

However, the major line of competency conflict in defence and military matters in the Czech Republic ran between the government and the parliament, not inside the executive branch, and focused on emergency powers, and not military control, in which the Czech case was unique. The general goal underlying the debate over the emergency powers was to curtail the parliamentary and presidential powers in defence and military matters and enhance those of the government. According to the Czech legal regulations, the president can exercise emergency powers only in a situation when decisions cannot be taken by the parliament and need subsequent confirmation of the legislature.[102] In all other situation, the emergency powers are exercised by the parliament. Similarly, the participation of the Czech armed forces in military operations abroad and deployment of foreign troops on Czech soil is

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[99] SWB EE/0816, 14 July 1990, p. 3.

[100] Security and Military Notes, *RFE/RL Report*, August 14, 1995, p. 5.

[101] Interview with general Kerel Pezl, September 1999.

decided by the Czech parliament.[103] The extensive parliamentary prerogatives provoked a conflict in 1995 with government over the proposed Law on Defense. The project law granted the powers of introducing a state of emergency to the executive; the parliament rejected the proposal and insisted that the legislature should have the right to do so.[104] The issue was only temporarily resolved in the Law on Security (No 110/1998) which granted that right to the Prime Minister to be confirmed by the cabinet, but other legislative proposals went in the direction of giving the government the right to do so, but under an obligation to inform the Chamber of Deputies immediately.[105] Still, even with the issue of emergency prerogatives unresolved, the military in the Czech Republic avoided being drawn into elite bargains, probably also due to the weakness of the Czech military as an institution.[106] Therefore, Sarvaš and Stach had been justified to proudly observe that the Czech Republic

> managed to avoid any serious competency conflict between the President, minister of defence and chief of general staff (Poland, and partially Hungary), did not allow for the remilitarization of the ministry of defence (Hungary), there are no serious conflicts between officer

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[102] Otto Pick, Stefan Sarvas, Stanislav Stach, *Democratic Control Over Security Policy and Armed Forces* (Praha: Institute of International Relations, October 1995), p. 31.

[103] Articles 39 (3) and 43 (1&2) of the Constitution of the Czech Republic. V. Cepl, Malcolm Gillis, 'Czech Republic', *East European Constitutional Review,* No. 1, 1994, pp. 66 - 68.

[104] Stephane Lefebvre, 'The Army of the Czech Republic: A Status Report', *The Journal of Slavic Military Studies*, Vol. 8, No. 4, December 1995, p. 720.

[105] René Nastoupil, 'Current Czech Defense Policy' *The Journal of Slavic Military Studies*, Vol. 12, No. 2, June 1999, p. 119.

[106] Some Czech authors were of a different opinion. Purkrabek argued that the processes of army transformation were 'hyperpoliticized' and therefore transformation could not be successful. See Miroslav Purkrabek, Anton Rašek, 'K politicke, socialni a vojenske rekonstrukci Cs. armady v demokraticke revoluci', *Vyber Stati*, August 1991, p. 77, in Czech.

corps and certain political parties (Slovakia, Bulgaria, Romania), there is no information blockade from the ministry of defence (Romania, and partially Bulgaria)..[107]

The regulation of the fundamental legal issues prior to military legal reform permanently defined the principles of the Czech political system and prevented major controversies regarding the management of the military and defence. The contentious issues that emerged in civil-military relations were marginal and did not have an impact on democratic consolidation in the Czech Republic.

Contrary to the Czech Republic, the political circumstances in Ukraine were certainly conducive to conflict over competency divisions. Prior to the passing of the 1996 permanent constitution, Ukrainian domestic relations between the executive and the legislature resembled a constant tug-of-war with frequent shifts in power relations. In fact, the conditions of the Ukrainian political scene precluded complete democratic consolidation. The passing of the 1996 constitution improved the legal situation in Ukraine. However, the system adopted in the Constitution had authoritarian features and, while it stabilised the Ukrainian policy, it also guaranteed a dominant position if the president in the executive branch, particularly in military and defence matters.

Such an uneven distribution of competencies was welcomed by the Ukrainian elites that needed the president to exercise strong executive control over the political system in order to maintain their hold on power and access to resources.

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[107] Štefan Sarvaš, Stanislav Stach, 'Demokratická kontrola bezpečnosti politiky a ozbrojených sil', (Democratic Control of the Security Policy and Armed Forces) in Štefan Sarvaš a kolektiv výzkumného týmu, *Bezpečnost a armáda v moderní společnosti* (Praha: University Karlovy, Fakulta sociálních věd), No 6, 1997, in Czech, p.127.

Issuing of decrees and close oversight of the armed forces and special services[108] belong to the favourite strategies of the president striving to enhance the position of himself and his 'clan'.[109] The system established by the Ukrainian Constitution went precisely in the direction of eliminating the rival political centres from policy-making and vesting all powers in the office of the president. It prevented further political struggles, settled the issue of control over military services and clarified the responsibilities, however, in the conditions of deficient democratic institutions and mechanisms, an emergence of democratic civil-military relations of any kind was impossible.

Rather than ensuring at least a modicum of a democratic civilian control of the armed forces, the Ukrainian constitution sanctioned the presidential civilian control of the armed forces. Other political institutions are either excluded from the political process, or are too weak to take control of the military, or to control the presidential control of the military. As it was, the Ukrainian case underlined the fact that civilian control of the military cannot be democratic if the overall political system of the state in not democratic. As one Ukrainian journalist dryly summed up the situation:

> Democratic control of power structures by the legislative and judiciary branches in Ukraine has hardly been initiated. Instead the executive branch has in fact already constructed an authoritarian, no-alternative system of daily civilian control of the power structures which goes only one - way: president (and his apparatus) - power ministries.[110]

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[108] On the special services in Ukraine see Oleg Strekal, 'The New Secret Service', *Transition*, 23 June 1995, pp. 24 – 27.

[109] Philip G.Roeder, 'Varieties of Post-Soviet Authoritarian Regimes', *Post-Soviet Affairs*, vol. 10, No.1 1994, p.65.

[110] W.Grechaninov, 'Kak kontrolirowat' armiyu', (How to Control the Army) *Dzien'*, No 107, 16 October 1997, in Russian.

Lithuania appeared well posed to avoid the competency conflicts and civil-military rifts thanks to the early adoption of the constitutional law, progress in establishing a comprehensive military and defence framework of rules and regulations as well as the high priority attached to the establishment of civil-military relations based on the Western model.[111] Yet, despite those advantages, Lithuania experienced a serious political rift over the competencies in defence policy matters in the course of its civil-military transformation. The controversy concerned the placement of the major civilian body controlling the military: if it should be situated in a democratically elected and accountable, but frequently changing government, or with the president, who is elected for a fixed term, but liable to impeachment procedures only.

The conflict originated in the political struggle in the early 1990s between the two major parties: the right-wing Sajudis, and the post-communist Lithuanian Democratic Labour Party. After the post-communist electoral successes in 1992 - 1993 , the post of the Minister of Defence and the control of the military became the contentious subject. The post of the Minister of Defence until September 1993 was held by the nationalist-oriented Sajudis politician A.Butkevicious who remained in the government formed otherwise by politicians from the former communist party. In an effort to oust Butkevicious, the post-communist parliamentarians reacted with passing of the Law establishing the post of the Commander of the Armed Forces (equivalent to the Chief of General Staff) and practically eliminating the minister from the chain of command. The same law increased the autonomy of the General

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[111] Algirdas V.Kanauka, 'Virtues and Pitfalls of Civilian Control of the Military', in *Conference on Civil –Military Relations in the Context of an Evolving NATO* (Budapest: Ministry of Defence / Ministry of Foreign Affairs, September 1997), p. 57.

Staff and strengthened presidential control over the army at the expense of the government.[112]

Such a move provoked further conflict over the executive control of the military, and had the effect of politicising military issues and in fact undermining the foundations of democratic civilian control of the military. The legal changing of the system of military control in the pursuit of a short term political victory in eliminating influence of the opposition from the armed forces management was a dangerous precedence and underlined the weakness of democracy in Lithuania. The changes were eventually reversed by the reform of the command and control system, introduced by the Law on the National Defence Organisation of 1998. The strategic command authority was given to the Commander of the Armed Forces who is also the head of the Integrated Defence Staff and advisor to the President and the Minister of Defence. However, under the Law on Organisation, the Commander is subordinated to the Minister of Defence, and only through him to the President. The President and the Minister of National Defence jointly exercise the National Command Authority which runs from the President to the Minister of Defence and through the Commander of the Armed Forces to the lower level command, that is the Operational Forces Commander.[113]

Generally speaking, the system of civilian control established in Lithuania by the legal framework gave the President the core function in the military command and control structures, probably stronger than could be expected from the articles of the constitutions. Within this system, the Minister of Defence has a supreme position

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[112] Albert M. Zaccor, 'Problems in the Baltic Armed Forces', *The Journal of Slavic Military Studies*, Vol. 8, No.1, March 1995, p. 66; Albert M.Zaccor, 'Lithuania's New Army', *The Journal of Slavic Military Studies*, Vol.7, No. 2, June 1994, p. 216.

in the military chain of command and the Commander of the Armed Forces was clearly subordinated to him, yet the solution adopted in Lithuania affected the unity of the government by subordinating in part the minister to the president. Despite authoritative statements by Lithuanian defence officials,[114] this solution raises doubts on the potential for conflict over executive prerogatives in the future.

Summary

The study of the legal reform in the case countries showed the ostensible obstacles that the post-communist conditions put to the legislative processes. The extreme incompatibility of the post-communist power relations with democratic principles and instability of the internal political scene stemming from the absence of fundamental regulations made the adoption of post-communist constitutions a priority. However, due to the necessity of distributing powers and responsibilities among the political actors in the course of making the constitutions, the constitutional processes proved highly contentious in most countries, particularly if the interim constitutions were adopted. As a rule, the problems related to the general distribution of powers within the political system were transferred to the lower level of civilian management and control of the military and, on numerous occasions, engaged the military in intra-executive competency conflicts against the principles of the democratic civilian control that the politicians professed to be introducing. The overview of the developments in each of the case countries showed that the devising of the institutional design of the presidency and clarification of the powers attached to it, particularly in military and defence policy, were defining moments for

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[113] *Overview of Lithuanian National Defence System '99* (Ministry of National Defence, 1999), pp. 6 – 7; *Law on the Organisation of the National Defence System and Military Service,* article 14.

[114] Interview with Dr Algidras Katkus, February 2000.

the ultimate model of civil-military relations and had a potential to destabilise the entire process of democratic consolidation, as was the case in Poland.

At the same time, the legal reforms underlined the seemingly obvious fact that lack of democratic institutions and procedures at the state level will effectively preclude an emergence of democratic civilian control of the military and distort the civil-military transformation. In the process of legal reform it became particularly clear that the transition paths in Central Eastern Europe were diverging and that the outcomes of the civil-military reforms are likely to be different. The constitutional and legal developments also showed a considerable correlation between the traditions and quality of statehood and the progress of legal reforms: the Czech Republic, the only post-communist state having democratic credentials, hardly experienced any conflicts or major setbacks in the course of the reforms, while other countries strove to overcome political instability and low levels of institutionalisation, with a varying effect.

Chapter 6

EFFECTIVE DEMOCRATIC MANAGEMENT

The restructuring of the military and the creation of a legal and procedural framework represented those stages of democratic transformation where the basic institutions of representative democracy were being set up and becoming operational. However, implementation of those reforms did not automatically provide for an effective functioning of democratic civilian control over the military. Democratic management of the defence policy and military affairs requires the strong democratic institutions and the rule of law, but also more sophisticated mechanisms, such as provision of accountability of the politicians, clear division of responsibilities inside the defence management structures, transparency of defence planning and military management, availability of information, parliamentary oversight of the military, and finally, public scrutiny over defence and military affairs. The process of developing these subtle mechanisms of democratic management are bound to be lengthy and therefore, the study results indicating the lack or the underdevelopment of the instruments of effective democratic management in the post-communist countries were predictable.

Operation of MOD and General Staff

Balancing the powers of the Ministries of Defence against the General Staffs was one of the most daunting tasks of the post-communist civil-military transformations and spelled problems in the course of reforms. It needed the rebuilding of the entire structure of the ministries to adjust the prerogatives of the

civilian ministers and military chiefs of staff in order to make the military administration functional in the new system and in accordance with the new principles of democratic order. Logically, the structural arrangements should stem from legal regulations and experience, yet in the post-communist countries, none was readily available, and so the MODs were restructured without clear policy guidelines at first. The contentious situations ensued from the legacy of the Warsaw Pact, within whose framework the ministers theoretically were empowered with extensive rights, and in practice were doubly subordinated: to the Chiefs of staffs and the Soviet superiors. Moreover, the nomination of civilian ministers where previously there had been only military men was a change that the post-communist military found by and large difficult to accept and that provoked conflicts as well. Nonetheless, settlement of the conflicts inside the MODs was the first necessary step towards establishing effective democratic management of the armed forces.

In Poland, the process of delineating powers between the Ministry of National Defence and the General Staff was particularly long and charged with political conflict. There is no doubt that the great empowerment of the General Staff in the first half of the 1990s was possible only thanks to president Wałęsa and his policy of winning the greatest possible executive power. However, the original source of problems with internal design of the MOD was the implementation of the first institutional reform of the MOD structures in 1991 - 1993, based on the recommendations made by the so called Żabinsky Commission. This reform introduced a faulty institutional model of relations between the ministry and the General Staff. The Commission proposed a rigid division of the Ministry into two separate structures: a mixed civilian – military ministerial part in charge of the

administration of MOD and a strictly military body of General Staff to deal with 'purely' military issues.[1] It was expected that such reform would bring 40% personnel reductions and increased efficiency of the military administration. What the members of the Commission overlooked, however, was the fact that such a solution inevitably dwarfed the ministry and empowered the General Staff.[2]

The problem was aptly described by one of the original authors of the reform (and later a great critic of the MOD design), under-secretary of State for Defence, Jerzy Milewski. Commenting on the problem of military overpowerment in the Polish defence management system, he said:

> It is not a problem of personalities, this is a systemic problem. In my opinion, we have approved a faulty model. The civil-military part of the MOD was supposed to manage the armed forces, provide for them, oversee them, take care of the defence policy, social affairs, education etc. The General Staff is the military part of the Ministry to which the whole of the army has been subordinated. Those two structures were supposed to co-operate. But this model, in spite of the good will of the subsequent ministers of defence could not function properly and with time it has led to the increasing alienation of the civilian part of the ministry. Ministerial departments which do not have an independent access to the army must work through the respective directorates

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[1] '*Projekt struktury organizacyjnej pionu cywilno - wojskowego i główne zadania*' (*Project of Organisational Structure of the Civil - Military Sector and Its Main Tasks*), prepared by colonel Stanisław Dronicz, the Secretary of the Team No 1 of Żabinski Commission, MOD, Warsaw, April 1991.

[2] The reform of the MOD was criticised by some politicians at the time of its introduction, who rightly warned against probable negative consequences of the division, but to no avail. See Romuald Szeremietiew, 'Terra Incognita', *Tygodnika Solidarność*, 1 January 1993.

(which are parallel to ministerial departments) in the General Staff. Of course, consequently the General Staff has grown, the respective directorates have overlapped with the ministerial structures and become independent. So they no longer need the assistance from the partner civilian departments.[3]

Under such circumstances, the military in the General Staff were in a good position to block the decisions of the civilian politicians. For example, in 1993 Minister Onyszkiewicz decided to create a MOD department for defence planning. Such a department potentially could undermine military predominance in the field and also its political leverage, therefore the General Staff froze the implementation of the decision by refusing to fulfil their part of the process of forming the new structure (giving mobilisation assignments etc.).[4] The steady support from the president ensured that the insubordinate military went unpunished. Moreover, under pressure from president Wałęsa ministers made a series of concessions to the General Staff. For example, in 1993 the General Staff managed to overturn the internal regulations of the MOD introduced by minister Onyszkiewicz, which subordinated the Chief of the General Staff to the Minister. A year later minister Kołodziejczyk placed the Military Intelligence Service under the direct supervision of the Chief of General Staff and left the military entirely in charge of strategic planning, thus building up the military's autonomy even further.[5] The corollary of the situation was succinctly summed up by James Gow:

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[3] Interview with Jerzy Milewski, *Polityka* Nr 25, 24.06.1995, by Janina Paradowska.

[4] Interview with Andrzej Karkoszka, Under-Secretary of State for Defence, Polish MOD, September 1997.

[5] Interview with minister Andrzej Karkoszka; Andrew A.Michta, *The Soldier-Citizen: the Politics of the Polish Army After Communism* (Houndsmills, Basingstoke: Macmillan Press, 1997), pp. 87 – 90.

'if based on the issue of personalities, the army can exert influence via the President, that is not control of the military, that is military control of the political process and in that case it puts the whole political process and the transformation into jeopardy'.[6]

The Law on the Office of the Minister of National Defence stopped the erosion of the civilian control of the military and initiated the process of dismantling excessive autonomy of the General Staff. But the reform of the MOD institutional structure and real division of powers inside the Ministry became possible only thanks to the settlements of the so called Karkoszka's Commission. The Commission was set up in the ministry and chaired by minister Karkoszka. The working group was a mix of representatives from the MOD and the General Staff and in the years 1996 – 1997 managed to work out and begin implementing the new institutional structure for the ministry.[7] Its main goal was to subordinate the Chief of General Staff to the Minister of Defence and turning the General Staff into a military planning organisation. The essence of the reform was to take away command and control functions from the General Staff and turn it from a military command and control organ into a military planning, prognosis and administration body. The reform liquidated overlapping structures in the General Staff, mainly financial, personnel policy and strategic planning directorates, streamlined the structures both in the MOD and GS and provided for significant manpower reductions, mainly in the military. The overall number of General Staff directorates was reduced from 52 to 32. The brunt of personnel reductions (over 100 positions in the entire MOD) was

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[6] *Civil - Military Relations in Central and Eastern Europe*, workshop held in Luxembourg on 21 - 22 April 1995, Luxembourg Institute for European and International Studies, Transcript of Proceedings (unpublished), p. 58.

[7] Interview with minister Andrzej Karkoszka, September 1997.

also born by the General Staff, and the redundancies included several general's positions. The Ministry was also reorganised into 5 branches: for social and parliamentary affairs (later restricted to social affairs), finance, defence policy, logistics and command.[8]

However, the earlier empowerment of the General Staff originated not only from presidential policy and faulty institutional design, but also had its roots in the legacy of the Soviet/ Warsaw Pact command structure. The Polish General Staff combined functions: it was the main body for strategic planning and, at the same time, it represented the headquarters of the Polish army and the command of the Ground Troops, that is two thirds of the Polish Armed Forces. Therefore, only a creation of the Ground Troops Command structures separate form the General Staff could lastingly curtail the excessive power of the military. This third leg of structural reform was particularly resisted by the Chief of General Staff general T.Wilecki and his close associates and was deliberately delayed. Nevertheless, the Ground Troops Command structure became operational in 1999.[9] Finally, on 31 July 1997 the Law on the Professional Military Service was amended and introduced a limited term of office for selected military posts.[10] Officers up to the rank of colonel may hold their positions for a period of between 2 and 5 years, while generals (or corresponding naval ranks) are nominated for 3 years only. With that, the basic redesign of the MOD was complete[11] and, despite the General Staff foot-dragging in transferring the

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[8] Interview with minister A.Karkoszka and Michta, *Soldier – Citizen*, pp. 99 – 101.

[9] Janusz Grochowski, 'Bilans zamknięcia, bilans otwarcia' (The Closing Balance, The Opening Balance Sheets), *Polska Zbrojna* No 41, October 1997, pp. 20 - 21.

[10] *Dziennik Ustaw* No 107 of 15 Sept. 1997, title 688.

[11] 'Armia przyszłości' (The Army of the Future), interview with general Henryk Szumski, Chief of the General Staff, *Polska Zbrojna*, No 17, May 1997, p. 10.

prerogatives to the Ministry,[12] the conflicts over the division of powers were terminated with the practical implementation of reform.[13]

No such tussles and controversies surrounded the division of competencies between the MOD and the General Staff in the Czech Republic despite certain similarities in the initial institutional design between the two countries. The long standing tradition of military subordination to the political leadership in this country assured a smooth implementation of the structural reform in the MOD.

The process of delineation of powers began already in 1989 in Czechoslovakia, but the haste with which the reform was carried out had to do with an underlying fear of the post-communist military, resulting from the discovery of the preparations for military intervention during the Velvet Revolution.[14] Between 1990 and 1991 the Ministry of Defence underwent a reorganisation process and took over political and administrative powers from the military. At the same time, the MOD was strictly separated from command functions.[15] In an effort to remove overlapping functions of the MOD and GS, three new posts of deputy ministers were created in the MOD in charge of strategic planning, economic management and social and humanitarian affairs. The Chief of the General Staff was nominated as the fourth deputy of the Minister of Defence and this post was reserved for the military.[16]

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[12] Michta, *Soldier-Citizen*, pp. 107 – 109.

[13] Janusz Onyszkiewicz, 'Na Zachód patrz' (Look to the West), *Wprost*, 17 October 1999.

[14] Interview with Martin Vávra, secretary to the Minister, Ministry of Foreign Affairs, Czech Republic, Prague, September 1999.

[15] Anton Rašek, 'The Transfromation of the Army in the Czech Republic', *Perspectives,* No 3, 1994, pp. 41 – 50.

[16] Thomas S.Szayna, James B.Steinberg, *Civil – Military Relations and National Security Thinking in Czechoslovakia. A Conference Report.* RAND, R-4195-OSD/A/AF, pp. 19 – 21.

After the break-up of the Czechoslovak Federation, the general direction of defence management reform was upheld. The Czech Republic retained all federal structures of military management and control and therefore the creation of the national MOD and General Staff was done on the basis of Czechoslovak institutions and completed quickly. In the course of setting national command and control structures in the aftermath of the 'Velvet divorce', the role of the Ministry of Defence was defined as 'the central administrative body responsible for ensuring state defence, control of the armed forces, civil protection, and administration of the military cantonment area...The part of the Ministry of Defence that commands the army is the General Staff'.[17] The task of the General Staff is to manage, foster the professional development and command the army of the Czech Republic as well as project and organise defence preparations of the state.

Despite similar logic of strict institutional separation underpinning Polish and Czech reforms of the MOD, the low prestige of the military in the Czech Republic prevented the empowerment of the General Staff as its natural inclination to enhance autonomy and political leverage was not fuelled by political conflict. The reform was successful in removing the military from policy-making processes and curtailing the powers of the General Staff, however, its negative feature was the breaking of the communication link between the civilian-military part of the ministry and military General Staff. In the Czech model, rigid separation of the civilian administration from military management was at the core of the defence management reform. This solution had the potential to widen a gap between the civilian and the military over issues of professional career or social problems in the

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[17] René Nastoupil, 'Current Czech Defense Policy' *The Journal of Slavic Military Studies*, Vol. 12, No. 2 (June 1999), p. 120.

army due to the lack of channels for exchanging information and the growing insulation of the Ministry.[18]

The institutional separation also promoted competitive behaviour and so both sides engaged in competition because of which on several occasions they developed and promoted rival concepts of defence reform, with which the General Staff frequently acted in opposition to the Ministry of Defence in defence of military corporate interests. It was particularly visible in case of the decision on the prospective level of army professionalisation when the General Staff managed to force through its proposal for a larger and less professional army[19] against the ideas of the Minister; similarly, the MOD and General Staff presented opposing proposals when drafting of the new Czech strategic concept of defence policy.

Generally, the Czech reform of defence management led to an over-separation and lack of inter-agency co-operation between the MOD and the General Staff which in turn had a negative impact on civil-military relations in the Czech Republic. Regular bypassing of the military representatives in decision-making process pushed the GS to entrenched positions of protecting the corporate interests of professional soldiers and in the conditions of frequent changes of ministers and political leadership, the generally low political leverage of the politicians in the defence sector enabled the military to filter political decisions and check the agenda of reform at the MOD. Therefore, in 1995 another reform of the MOD was introduced with an aim to curtail the General Staff. The new Section of Defence Policy and Strategy was created in the MOD and took over some responsibilities

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[18] Interview with general Karel Pezl, former Chief of Defence Staff and presidential security advisor, Officer of the President, Czech Republic, Prague, September 1999.

[19] Réka Szemerkényi, 'Central European Civil - Military Reforms at Risk', *Adelphi Paper* No 306, (London: IISS, 1996), p. 15.

from the military headquarters.[20] It seems, however, that the second restructuring also failed to resolve the vital problem of civil-military relations within the MOD and instead of promoting co-operation, it further alienated the two bodies.

In Ukraine, the General Staff were empowered relative to the minsiterial structures simply because the military command organisation was there, while the ministry itself needed to be set up. When on 3 September 1991 the Soviet General of Aviation, Konstantin Morozov was appointed the first Defence Minister of Ukraine, the Ministry of Defence was not yet even legally established by the parliament. Organising the national chain of command, Minister Morozov had to build up the ministerial institutions from scratch, while the Ukrainian General Staff was quickly organised on the basis of the Soviet military administration of Kiev district. Therefore, the Ukrainian MOD became 'the youngest stepchild' among the Ukrainian power ministries and from the beginning its position was inferior to them.[21]

The military legislative package of 1992 created legal rules for the organisation and functioning of both bodies, modelled after the Soviet command structures, it did not however specify their functions or divide spheres of authority. As a result, overlapping structures emerged in the MOD and General Staff and further reforms were blocked by inter-agency competition. But, as long as the men in charge of both institution were in uniforms, there were few conflicts between the

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[20] Otto Pick, Stefan Sarvas, Stanislav Stach, *Democratic Control Over Security Policy and Armed Forces*, (Praha: Institute of International Relations, October 1995), p. 34.

[21] Anatoliy S.Grytsenko, *Defence Reform in Ukraine: Chronology of the First Five Years.* Berichte des Bundesinstituts für ostwissenschaftliche und internationale Studien 29, 1998; see also Andrew A.Michta, *The Government and Politics of Post-Communist Europe.* (Westport, Connecticut & London: Praeger, 1994), p. 12.

MOD and the General Staff. Once the civilian politician arrived in the Ministry in 1994, a heated political struggle ensued between the Minister and the Chief of General Staff in Ukraine.[22]

The conflict was provoked by the reform plans prepared in the MOD, but the military distrust in civilian politicians created the background for the military resistance to reform. The Chief of General Staff, general Anatoliy opata, many times expressed the view that the civilian minister was incompetent and his reform plans were prepared in secret and could only ruin the Ukrainian army.[23] But the lack of trust was mutual - minister Shmarov in his turn refused to transfer operational command of the military to the General Staff where it should have been. However, rather than civil-military, the struggle had mostly an inter-agency character: at the time of minister Shmarov's term, there were only two civilians at the higher posts in the MOD; all the remaining key officials were military.[24]

The rejection of reform was also provoked by the plans to streamline and rationalise the defence finances and management procedures. The successful implementation of the financial and procedural regime in defence management would impinge on the vested interests of the military in the General Staff and put them under more effective control of the politicians. This was definitely not in the interest of the military and therefore Shmarov's reform was successfully blocked.

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[22] OMRI Daily Digest, 16.02.1996.

[23] Interview with A*; hearing of gen. A.Łopata, 'Sud i Osud. Ministr Oboroni proti Vichirnovo Kiyeva, Vichirniy Kiyev proti Szmarowshchiny', *Vichirniy Kiyev*, special issue, 1996, pp. 68 – 77 (in Ukrainian); Tor Bukkvoll, *Ukraine and European Security*, Chatham House Papers (London: RIIA, 1997), p. 20.

[24] Grytsenko, *Defence Reform*, p. 31; interview with Captain (navy) Czesław Karczewski, Military, Naval and Air Attaché, Embassy of the Republic of Poland, Ukraine, Kiev, October 1997.

But the relations between the MOD and the General Staff were also complicated by the lack of clear delineation of authority. The ministers intervened in professional matters, and the officers pursued their own political agenda. With the nomination of the civilian minister, the brewing MOD - General Staff conflict exploded into an open struggle. However, contrary to the Polish case, the Ukrainian Chief of General Staff, gen. Lopata opted for a quick introduction of regulations dividing the responsibilities, while minister Shmarov delayed their introduction. This was because he understood how weak was his position was versus the military command at that time and how limited his control was over the General Staff.[25] Postponement of the delineation of authorities could have changed the balance of power in favour of the minister, therefore the division was held up and Shmarov rejected several drafts of the respective law.[26]

In the end, both men were fired by president Kuchma in 1996, gen. Lopata in February and minister Shmarov in July. The ministerial post went to a military man, general Kuz'muk, which was a step back from the point of view of democratic civilian control, but was necessary to bring back co-operation inside the military management structures. Moreover, the conflict inside the leadership at the top dramatically undermined the prestige of both institutions in the officer corps. The survey carried out in April 1996 among the officers demonstrated the extent of the problems. Asked about their attitude to the three highest military authorities the professional military gave the following answers: [27]

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[25] Bukkvoll, *Ukraine and..*, p. 20; Grytsenko, *Defence Reform*, p. 29.

[26] Interview with Tadeusz Olszański, expert on Ukrainian affairs, Ośrodek Studiów Wschodnich, Warsaw, August 1998.

[27] Survey 'Socialni probliemy ta rieforma Zbroynih Sil Ukraini' (Social Problems and Reform of the Ukrainian Armed Forces – in Ukrainian) (Kiev: Center for Social Monitoring & Ukrainian Center of

	Extremely negative attitude	*Extremely positive attitude*
Ukrainian President	**19.4%**	**4.6%**
Minister of Defence	**23.0%**	**3.7%**
Chief of General Staff	**13.8%**	**4.2%**

The nomination of someone from the military to the ministerial post helped to rectify the problem of erosion of authority. Nevertheless the Shmarov-Lopata conflict drew attention to the need for regulating the MOD – General Staff relations and delineating authority. Consequently, president Kuchma on 21 August 1997 signed two decrees. One decree subordinated the General Staff to the Minister of Defence, but also made the Chief of General Staff responsible to the president and the State Defence and Security Council. The other decree granted the General Staff powers to co-ordinate the activities of other, non-army military formations, that is the National Guard, Internal Troops and others.[28] This decision met with avid opposition from the commanders of those forces as their competition with the regular army was not a secret, yet they eventually succumbed to the president's will.[29] Presidential decrees clarified the situation and smoothed the functioning of military command and control structures. However, it was not a proper reform in the sense of a democratic civil-military transformation. The structure and function of the MOD and General Staff in Ukraine to a great degree petrified the old Soviet model in which the military are the only professionals capable of taking charge of strategic

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Political and Economic Studies, April 1996), unpublished, courtesy of T.Olszański, Center for Eastern Studies, Warsaw.

[28] G.Niesmianovich, 'Ob'iedinienie pod vidom rozdielienia: rieforma v VS Ukraini poluchila novyi stimul', *Krasnaya Zwiezda*, No 210, 9 September 1997; G.Niesmianovich, 'Noviy status Giensztaba Ukraini', *Krasnaya Zwiezda*, No 170, 24 January 1997.

[29] S.Zguriec, 'Hochiesz mira - gotov'sia', *Dzien'*. 30 July 1997.

planning and military affairs and the civilian 'layer' of defence officials remained very thin and powerless.

In Lithuania, the conflict over the role and place of the defence minister and army commander had a similar background to Poland and originated in the power struggle between two parties over the scope of responsibilities of the president and the government in defence and military policy. The law passed in 1993, thanks to the support of post-communist parliamentarians, established the post of the Commander of the Armed Forces (equivalent to the Chief of General Staff) and provided it with considerable autonomy, simultaneously strengthening the powers of the president in the management of defence. The goal of the legislators was to undermine the position of the minister of defence and the law largely eliminated him from the chain of command.[30] Such a move was driven by current political calculations because the post of the minister was held by an opposition politician after the 1992 electoral victory of the post-communist party. However, in the long run the awkward solution appeared harmful to the development of mechanisms for democratic control and the system was rectified by the Law on the National Defence Organisation of 1998. This act introduced a new structure of military command and control of Lithuanian army and changed the relations inside the MOD, particularly through strengthening the position of the minister again.

Under the Law, the Commander of the Armed Forces is strictly subordinated to the Minister of Defence, and through the Minister to the President of the Republic. The Commander has a strategic command authority and is the head of the

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[30] Albert M.Zaccor, 'Lithuania's New Army', *The Journal of Slavic Military Studies*, Vol.7, No. 2, June 1994, p.216; Albert M.Zaccor, 'Problems in the Baltic Armed Forces', *The Journal of Slavic Military Studies*, Vol. 8, No.1, March 1995, p. 66

Integrated Defence Staff (General Staff). He is responsible for drafting the force planning and personnel levels requirements, force structures and procurement needs. His plans are then submitted through the Minister for financial evaluation. Finally, the Commander is the chief advisor to the president and the minister on security issues.[31]

Under the Lithuanian system, the Minister of Defence is closely connected to the President and together they constitute the State Defence Civil Authority. Within this body, they jointly exercise the National Command Authority which runs from the President to the Minister of Defence, then through the Commander of the Armed Forces to the lower level command, that is the Operational Forces Commander.[32]

The 1998 Law on the Organisation of National Defence clarified the operational chain of command and preserved civilian control. However, that character of command system seems in need of streamlining the structures. The complicated subordination of the military commander, partly to the minister and the government, partly and (indirectly) to the president, blurs the division of powers and lines of responsibility in defence management. The organisation of the management system also appears to breach the cohesion of the government, because the minister's subordination is split between two executive bodies. The same institutional design provoked a heated political struggled in Poland in the early 1990s and similarly in Lithuanian case, it has a potential for internal conflict in the MOD.

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[31] 'The Roles of the Executive and the Parliament: A Lithuanian Perspective', by Vidmantas Purlys, Director, Defence Planning Division, Lithuanian Ministry of Defence, at the seminar *Security in Democratic Societies – A Parliamentary Seminar*, 20 – 24 July 1998, Garmisch-Partenkirchen, Germany, unpublished, p. 6.

[32] *Overview. Lithuanian National Defence System '99* (Republic of Lithuania: Ministry of National Defence, 1999), pp. 6 – 7; *Law on the Organisation of the National Defence System and Military Service*, article 14, Purlys, 'The Roles', p. 6.

Advisory Bodies.

The existence of various advisory bodies within the government administration in itself does not constitute any breach of democratic principles of civil-military relations. On the contrary, such institutions can perform important roles in defence and military management and control, identify problems and propose solutions to the policy makers. Yet, the functioning of those bodies in mature democracies is regulated by law and long standing practice, therefore the depth of their 'reach' in military and security management and political leverage is predictable and under control.

Similar bodies proper in defence and security policy were set up in many post-communist countries within the structures of presidential or government administration. In most cases, however, those bodies constituted a direct continuation of the communist structures for defence management and control, and their existence and functioning in post-communist states was either based on very vague legal foundations or was far beyond constitutional stipulations. Often the close relationship of those advisory bodies with the government administration made them parties to the power contest over defence and military prerogatives. Consequently, the political leverage of the advisory institutions often far surpassed the position originally envisaged for it in the defence system. As it was, the degree of accommodation of the advisory bodies into the entire legal and procedural system of defence and military management turned out to be a good indicator of the strength of the system itself.

In Poland, the competency conflict 'spilled over' to other political bodies and turned them into instruments of contest between the president and the government.

Distorting the functioning of advisory bodies was not very difficult in view of the legislative gaps, overlaps and obsolete regulations still valid in Poland, and so the two main bodies proper for defence and military affairs, the governmental KSORM[33] and presidential KOK,[34] because of their affiliations, became natural opponents.

With the progress of democratisation of civil-military relations in Poland, the governmental body KSORM turned into a professional advisory institution and by and large withdrew from political competition. The story of the Home Defence Committee (KOK) was more complicated. KOK was originally a communist supra-governmental body proper in defence and military management and as such played a significant role in the introduction and administration of the martial law in Poland in 1981. The Round Table agreement also provided it with substantial executive prerogatives in defence policy and made the president its chairman. Therefore, there were wide expectations that KOK would soon be disbanded after the election of the first non-communist president. Instead, president Wałęsa, even before constitutional regulations subordinated KOK to himself, used this institution in his pursuit of power.

The Home Defence Committee provided Wałęsa with control over the military and police.[35] The prerogatives of KOK were confirmed by the amended Bill on Universal Military Service of 21 November 1967[36] and Wałęsa insisted on their maintenance despite its unconstitutional character after the adoption of the Little

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[33] Committee for Defence Affairs of the Council of Ministers.

[34] Home Defence Committee.

[35] Jeffrey Simon, *Central European Civil – Military Relations and NATO Expansion, McNair Paper*, No 39 (Washington D.C. Institute for National Strategic Studies: 1996), pp. 118 - 119.

[36] Dziennik Ustaw 1992, No 4, title 16.

Constitution.[37] The responsibilities of the KOK comprised drafting military doctrine and reform plans, but also proposing the introduction of emergency state, martial law and calling mobilization if necessary. The 1992 military doctrine was essentially prepared by the Home Defense Committee, chaired by the President, and rival proposals were rejected. By then, the inter-agency competition between the advisory bodies was already high and the role of KOK was mostly disruptive to the military reform.[38] Without waiting for proper constitutional regulations, on 13 December 1991 Wałęsa issued a presidential decree which sanctioned the existence of KOK and created the National Security Bureau (BBN). This second body was to serve as an administrative support to KOK.

The Little Constitution did not confirm the further existence of KOK nor its competencies, instead it provided for the creation of the National Security Council (RBN). The same advisory body was included in the articles of the Constitution of 1998 which described RBN as a presidential advisory body in matters of internal and external security of the state. Still, president Wałęsa ignored the article of the Little Constitution and maintained KOK in existence until his departure from office in 1995. His successor made several attempts to create RBN as a cross-party advisory body, but failed. In the end, the Home Defence Committee was tacitly dissolved, the National Security Council was not formed and the vacuum was filled by the National Security Bureau (BBN), which was originally created only as an auxiliary body to KOK. Despite the unconstitutional character of this body and general lack of proper legal regulations defining its activity and responsibilities for

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[37] Interview with Kazimierz Nalaskowski, Director, Legal Department, Polish MOD, Warsaw, April 1997.

[38] Stanisław Koziej, *National Defence Management of the Republic of Poland* (Warsaw: MOD, 1996), pp. 38 – 40.

state defence and security, BBN grew to become one of the most influential political bodies in post-communist Poland, and its chief constantly strives to acquire even greater political leverage in defence. In pursuit of power enhancement, he among other things revived the competency controversy regarding the presidential responsibilities as a Commander-in-Chief of the Armed Forces which threaten the return of bitter executive conflict on the management of civil-military relations.

The Czech Republic also experienced certain problems related to advisory bodies in defence policy, however the scale of the problems were small and proportional to the low intensity of political conflict in the country. Until 1993, the presidential Defence Council was the most influential body in defence and security affairs. It consisted of the Prime Minister, the Minister of Defence, of Interior, of Foreign Affairs, of the Economy and selected military experts and was chaired by the President. In Czechoslovakia, the Council had executive powers; after the break – up of the Federation it was, however, transformed into a mere consultative and advisory body.[39]

In keeping with the general political trend, the prerogatives of the presidential Council were transferred to the governmental State Security Council, which was chaired by the Prime Minister and involved the Ministers of Foreign Affairs, Defence, Interior and Finance. Its task is to co-ordinate national defence planning and preparations, supervise the implementation of particular activities in this realm and evaluate concepts, documents and reports related to the national defence. The works of the State Security Council were supplemented by the activities of two

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[39] Antonín Svěrák, 'Democratic Control of Armed Forces in the Czech Republic', in *Conference on Civil – Military Relations in the Context of an Evolving NATO* (Budapest: Ministry of Defence/Ministry of Foreign Affairs, 15 – 17 September 1997, p. 212.

standing committees within the Council that is Defence Planning and Civil Emergency Planning.[40] Parallel to the process of reinforcing government expert bodies, the role of the presidential council was systematically curtailed, then replaced

Given the dominant position of the Czech government in the conduct of defence and military affairs, the creation of a governmental agency responsible for the national defence would have been a logical and desirable step to speed up the military and defence restructuring. This, however, was not the main cause of the reshuffle. The setting up of both committees was more an element of political rivalry between the prime minister and the president, in which prime minister Klaus gradually limited the influence of the president on military and defence management.[41] However, the lack of interest of Vaclav Klaus in defence policy was widely known, therefore the two bodies did not perform a significant role beyond the function of instruments in the political contest. Once this role was accomplished, the government lost interest in the bodies and in defence affairs. The governmental councils revived after 1997 in the course of preparations for a military legislative package, however even on this occasion the work on the legal system was marked by political rivarly.[42] The inter-agency rivalry setting of the bodies contributed to politicisation of defence policy in the Czech Republic, yet the influence was short term and passed with the settlement of the political situation.

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[40] Nastoupil, 'Current Czech', pp. 120 – 121.

[41] Interview with general Karel Pezl, September 1999.

[42] Interview with Stanislav Stach, Institute for Strategic Studies, Czech Republic,August 1997 and Jiři Sedivy, Director, Institute of International Relations, Prague, interview in Birmingham, October 2000.

Defence policy of Ukraine was politicised to a much greater degree than in the Czech Republic or other case countries, and the presidential Council of National Security and Defence of Ukraine played a crucial role in the military and defence affairs of the state throughout its independent existence. The body was formally established in June 1992 by president Kravchuk's decree with a task of co-ordinating various aspects of national security policy. Later the Constitution included the Council in its regulations, giving it a solid legal base. However, soon the real importance and political leverage of the CNSD surpassed its original advisory function and continued steadily increasing. The statutory function of the NSDC comprised the elaboration of a general strategy for national security, internal security included, proposals for reform of the defence sector, prevention and monitoring of emergencies and the co-ordination of executive bodies in charge of security in emergency or in war.[43] The influential National Institute for Strategic Studies also constitutes part of the Council and was mainly responsible for conceptual work on the strategy and policy of Ukrainian defence.[44] The NSDC was chaired by the President who appointed the members of the Council. However, the Prime Minister, his deputy for security affairs and the remaining power ministers were statutory members of that body. From October 1994 the NSDC secretaries acquired the status of official presidential advisors on national security, which in reality gave them the position of the second most important state officials in Ukrainian defence with a decisive voice on most defence policy issues. Thus, the Council practically monopolised the creation of defence and security policy in

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[43] Alexander Goncharenko, *Ukrainian – Russian Relations: an Unequal Partnership* (London: RUSI, 1995), pp. 30 - 34.

[44] Interview with Alexander Manachinsky, National Institute for Strategic Studies, Kiev, Ukraine, October 1997.

Ukraine and partly replaced the parliament in its supervisory function and in the role of elaborating legislative regulations in the field.[45]

The NSDC functioned within the framework of laws and procedures sufficiently defining its composition and responsibilities. However, its position and leverage did not stem from legal regulations, but from the position of the Council within the executive structure and from close links with the president. This was the corollary of the institutional weakness of the defence management system in Ukraine: the president was the real source of power and prestige for the Council, and he dictated the scope and limits of the political leverage of the Council. Together, the president and the NSDC dominated the entire field of defence and military related issues, and further overbalanced the already undemocratic distribution of powers designed in the Ukrainian Constitution. The members of the Council and the supporting academic bodies, like NISS, are made up of a great majority of military personnel, either delegated from active service or retired, and maintain close relations with the General Staff and the highest military commanders in the Ukrainian army. Therefore, the proposals of defence strategy, policy or reforms worked out by the Council, by and large represent the views of the military in Ukraine, without taking into account alternative solutions. Moreover, the members of the Council spent their professional careers in the Soviet military and this legacy is visible particularly in the profile of strategic thinking and the deep rooted distrust of Western models and assistance.[46]

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[45] Commentary by Tadeusz Olszański, *Przedruki z prasy ukraińskiej* (Reprints from Ukrainian Press) (Warszawa: Ośrodek Studiów Wschodnich, December 1997), p. 1.

[46] Interview with Manachinsky, NISS, Kiev, October 1997. Interview with Rafał Seniuch, Director and Chief Ukrainian Specialist , Department of International Security, Polish MOD, Warsaw, December 2000.

The National Security and Defence Council represents an important expert body with a considerable pool of the best defence specialists available in the Ukraine with good access to both up-to-date information and key decision-makers. This alone gives this body a great potential for policy-making, and this potential could certainly be used for the sake of military reform. However, in the undemocratic constitutional design of civil-military relations in the Ukraine the power and influence in defence and military policy is concentrated in the hands of the president with the NSDC playing the role of a presidential body for preparing and executing defence and military policy. The coupling of the president and the NCSD restricted the development of the strategic planning capabilities outside the team, and the Council helped the president to monopolise the control of the military in Ukraine.

Lithuania, for reasons stated many times already, did not inherit advisory bodies from the Soviet system. Instead, it created the legal framework for the creation of several institutions with specific competencies in the realm of national defence.[47] In an effort to comply with NATO standards for civil-military relations, the Lithuanian authorities even established a special Civil-Military Relations Office in the Ministry of Defence to monitor the developments in the course of transformation and propose appropriate solutions.[48] However, only one advisory body acquired a more prominent status and this was the State Defence Council.

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[47] See *Law on the Basics of National Security*, Republic of Lithuania, Vilnus, December 19, 1996, No VIII – 19.

[48] Algirdas V.Kanauka, 'Virtues and Pitfalls of Civilian Control of the Military', in '*Conference on Civil – Military Relations in the Context of an Evolving NATO'* (Budapest: Ministry of Defence / Ministry of Foreign Affairs, September 1997), p. 57.

In keeping with the model dominant in post-communist countries, the Council was situated in the structure of presidential administration and chaired by the president. The body consists of the Prime Minister, the Chairpersons of the parliament, the Minister of National Defence and the Commander of the Armed Forces (equivalent to the Chief of General Staff). Formally, the task of the Council is to 'consider and co-ordinate the key matters of state defence',[49] that is planning, supervision and development of the national defence strategy.[50] The Council is the chief advisory board to the president, however, thanks to a more democratic and advanced legislative framework of regulations in defence policy, the Council did not attempt to perform executive functions. The main advantage of this body is its access to first hand information from the president and the minister of defence through the so called National Command Authority. Difficult access to information is the common problem in the post-communist countries, therfore in Lithuania the presidential advisory body was better situated to supervise the military than the parliamentary committee itself.

Parliamentary Committees

Effective parliamentary overseeing of the military remains one of the basic principles of democratic civilian control and a hallmark of democratic management. The legislative supervision 'implies authority to investigate the general policy process, to determine the allocation of public funds, and to ensure that the defence policy stays within the guidelines set by the legislature'.[51] But, while the legislating

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[49] *Law on the Basics*, Chapter 16, p. 20.

[50] *Overview*, p. 6, Fig. 1.

[51] Ben Lombardi, 'An Overview of Civil-Military Relations in Central and Eastern Europe', *The Journal of Slavic Military Studies*, Vol.12, No.1, March 1999, p. 23.

role and to a lesser extent the 'power of the purse' are performed in its most important stages by the parliament on plenary sessions, the day-to-day military oversight tasks can only be realised by relevant parliamentary committees. Their prerogatives stem from the powers of the parliament enshrined in the Constitution, constitutional laws and parliamentary statutes. However, the real scope and limits for committees supervisory activity are set by the amount of information and expertise available to the parliamentarians, by the degree of co-operation from the supervised institutions and by the ability of the committee to execute its demands and implement recommendations. Therefore, the letter of law is insufficient to ensure a proper parliamentary scrutiny. In addition to legal empowerment, parliaments must enjoy sufficient levels of prestige and organisational capabilities to perform its supervisory functions. Therefore, the effectiveness of parliamentary control over the military is a good indicator of the maturity of democratic civil-military relations in the post-communist countries.

In Poland, the recognition of the parliamentary role in the supervision of the military came rather late, due to the dominant position of the executive in defence management and to the considerable autonomy gained by the military during Wałęsa's presidency. Paradoxically, however, it was the most scandalous affairs in the history of post-communist civil-military relations in Poland, the so-called Drawsko affairs, that brought a decisive breakthrough in the development of parliamentary control.

Initially, the weak and fragmented post-communist parliament was unable to perform the controlling function. Instability in Polish domestic politics, intra-executive conflict, the legislature's own institutional weakness and lack of expert

support precluded the emergence of the parliamentary committee as an agent of civilian oversight. In addition, the MPs themselves did not fully understand or appreciate the importance of parliamentary control of the military for post-communist civil-military relations. For example, in 1991 the members of the Committee of National Defence opposed the idea of nominating a civilian minister of defence arguing that a non-military minister could cause a decline in the security of the state.[52]

The heated competency conflict between the president and the prime minister and the growing political involvement of the military led to the scandalous Drawsko affair in 1994, which was the lowest point in the Polish democratic transition. At an official dinner at the Drawsko training grounds, inspired by the president Wałęsa, the high ranking officers gathered at the table took an informal vote of no-confidence against the then minister of defence admiral Piotr Kołdziejczyk. The scandalous vote took place in the presence of president Wałęsa, the Chief of General Staff gen. Tadeusz Wilecki and Secretary of State in the Chancellery of the President, Mieczysław Wachowski, and none of them intervened. Instead, the results of the vote prompted president Wałęsa to call for the minister's resignation.[53] Even more scandalous was the reaction of the government. The Prime Minister, ignoring the parliamentary investigation launched into the affair, dismissed Minister Kołodziejczyk and did not oppose military awards and promotions from the president to the officers involved in the infamous meeting.[54]

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[52] Bulletin of the Session of the National Defence Committee of the First Parliament, 11 December 1991.

[53] Interview with admiral Piotr Kołodziejczyk, former Minister of National Defence in Poland, Gdynia, July 1997.

[54] Michta, *Soldier-Citizen*, p.92.

The Drawsko affair and its aftermath represented a short term victory for president Wałęsa who gained the upper hand in the competency conflict with the government by consolidating the autonomy of the General Staff under his patrimonial protection. Drawsko was also an open violation of the principles of democratic civilian control and immediately after the scandal it further undermined the effectiveness of parliamentary oversight of the military.[55] The results of this empowerment of the General Staff came before long. The military frequently and publicly criticised politicians and reforms,[56] and in August 1995, during the official celebrations of the anniversary of the 1920 Battle of Warsaw, the Chief of General Staff general Wilecki again shocked public opinion. He delivered an unauthorised speech, bitterly criticising reform of the armed forces and viciously attacking the political elite regardless of the presence of the president and the prime minister at the celebrations.[57]

But, despite its immediate dire consequences for democratic consolidation in Poland, in the long run the Drawsko affair had a healing effect on democratic transformation. The deep crisis provoked by the military involvement in the domestic political situation and foreign criticism of Polish civil-military relations encouraged the parliament to assert a more active role and make use of the available legal instruments of military supervision. The parliamentary Internal Regulations

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[55] James Gow, Carol Birch, *Security and Democracy: Civil - Military Relations in Central And Eastern Europe*, London Defence Studies No 40 (London: published by Brasseys for Centre for Defence Studies, September 1997), pp. 31 - 32; Janusz Onyszkiewicz, *Ze szczytów do NATO* (From Mountain Peaks to NATO – in Polish) (Warszawa: Bellona, 1999), pp. 211 - 214.

[56] For example colonel Wiesław Rozbicki, 'Pożegnanie z bronią', (Farewell to Arms) *Gazeta Wyborcza*, 12 July 1996; interview with Colonel Krzysztof Pommes, Deputy Director of Public Relations Office, Polish MOD, June 1997.

[57] Michta, *Soldier - Citizen,* p. 93.

Act[58] admitted three types of committees: standing committees, ad hoc committees and investigative committees, which can be formed by the parliament for the investigation of a particular issue and which operate under the regime of criminal law. Until 1995, such investigations did not take place in the military. After Drawsko, the Committee for National Defence appointed a Special Sub-Committee under the chairmanship of the head of the Committee, to carry out an investigation of the events at the famous dinner. The investigation was closed with the concluding report which included condemnation of the action of the military officers and indirectly of the president for engaging the military in politics, and advocated the punishment of the officers involved. The report also recommended several more general remedial measures to improve democratic civilian control of the military in Poland, among them rapid legislative action and clear division of the areas of executive competency.[59]

At the time of the investigation, the parliamentary action and its results were politically ignored by the government, the president and the General Staff. However, the lesson was not lost on the military.[60] The hearings conducted by the parliamentarians came as a shock to most officers summoned by the Sub-Committee and made them realise the full extent of the political consequences of the scandal. Moreover, the more distant consequences of the involvement in the Drawsko plot constituted a warning to the officer corps that political involvement would not pay

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[58] Regulamin Sejmu RP, (Parliamentary regulations) *Monitor Rządowy* 1992, No 26, item 185 (with amendments).

[59] Longin Pastusiak (Associate Rapporteur), *Civilian Control of the Armed Forces of the Republic of Poland. Draft Special Report*, Working Group on Transatlantic and European Organisation, pp.3 – 5.

[60] Interview with Bronisław Komorowski, chairman of the Parliamentary Committee for National Defence, Warsaw, October 1999, former member of special Sub-Committee investigating Drawsko affair.

off in the long run. In spite of the promotions and awards received by the officers involved in the infamous dinner, all of them were released from military service in the next few years. The second lesson learnt by the military was that the ministers of defence and their deputies by and large come from among the members of the Committee for National Defence and so the opinion of the parliamentarians was not entirely irrelevant to their career prospects.[61]

The Drawsko affair and the launching of the parliamentary investigation were the real breakthroughs in the civil-military relations of post-communist Poland. For the very first time the legislature in general and the parliamentary Committee for National Defence in particular executed its prerogatives in control of the military and preceded with the investigation despite a generally unfavourable political environment for such activities. The subsequent passing of the Law on the Office of Minister of Defence further reinforced the supervisory role of the parliament through the empowerment of the government/ minister of defence at the expense of the president. Moreover, the legislature proved capable of breaking a political deadlock regarding executive management of the military and defence affairs and reversing trends dangerous for the consolidation of democracy.

The relative success of the parliament in asserting its important role in the management of civil-military relations was later confirmed by several other events. The parliament was the institution that gained most prestige in the eyes of the professional military between 1993 and 1995 (see the table below). Secondly, the second big investigation launched after the November 1998 crash of military plane *Iskra* during an air show while celebrating Independence Day led to the subsequent dismissal (however honorary) of the much criticised Air Force Commander, gen.

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[61] Interviews with Bronisław Komorowski and General Władysław Stelmaszuk, former Polish Chief

Dziok.[62] This was so despite the fact that the conclusions of the parliamentary investigation differed from the findings of the military investigation team. While the military blamed equipment failure, the parliament stressed mistakes in performance of command and control tasks on that day. Finally, recognition of the significance of good co-operation with the parliament by the Polish MOD and the issuing of an internal document, explaining the controlling function of the parliament and recommending good relations and contacts on routine basis, were also a measure of the success of the parliament in establishing itself as a supervisory body of post-communist military management.[63]

Opinions of the Professional Military on the Activities of the Main Institutions and Organisations between 1993 and 1995.[64] Numbers indicate the result of subtracting negative opinions from positive ones.

INSTITUTION	1993	1994	1995
GOVERNMENT	4	37	31
PRESIDENT	- 20	- 38	- 45
SEJM (LOWER CHAMBER OF PARLIAMENT)	**- 63**	**38**	**31**

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of General Staff 1989 - 1992, Warsaw, September 1997.

[62] Marek Henzler, 'Doczołgać się do NATO' (To crawl down to NATO), *Polityka,* No 48, 28 November 1998.

[63] *Współpraca Ministerstwa Obrony Narodowej z Sejmem i Senatem Rzeczpospolitej Polskiej* (Co-operation of the MOD with the lower and upper chambers of the Parliament), in Polish, internal document of the Polish MOD, courtesy of minister Robert Lipka, Under-Secretary of State for Social and Parliamentary Affairs, Polish MOD, whom I interviewed in October 1998.

[64] Source: Czesław Ochenduszka, *Świadomość obywatelska i orientacje społeczno - polityczne środowisk wojskowych. Dynamika przemian i cechy szczególne* (Citizen Consciousness and social and political orientation of the military. Dynamics of change and its characteristic features.), in Polish, (Warszawa: WIBS, January 1997), p. 32.

No such scandals marked the process of establishing the parliamentary overseeing of the military in the Czech Republic. The combination of the political tradition of sustainable democracy in Czech lands and the early adoption of the post-communist constitution ensured the relative stability of the post-communist political system in the Republic and effective institutionalisation of the Czech polity. In the course of legislative reform, the Czech parliament acquired standard democratic law-making and supervisory powers, and its formal structure and regulations enabled the creation and proper functioning of parliamentary committees.[65]

The parliamentary Defence and Security Committee is the principal parliamentary body for dealing with proposals pertaining to defense and military issues, mediating exchange of information between the MOD and the parliament, giving opinions on security issues and having the right of intervention in matters of public interest. The Czech parliament also has investigative prerogatives and may establish special investigative commissions. In addition to the Security and Defence Committee, the Budget and Foreign Affairs Committees execute control over the military in selected fields.[66]

In reality, however, parliamentary control of the military in the Czech Republic is not very strong or effective. The legislative control is generally characterised by formal strength, reinforced by the attachment of the Czech population to the principle of military subordination to democratically elected politicians, and a functional weakness. The formal controlling prerogatives of the parliamentary committee are extensive, however, the parliamentarians meet a

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[65] On the organisation, character and composition of the parliamentary committees in the Czech legislature see Jana Reschová, Jindriška Syllová, 'The Legislature of the Czech Republic', in David M.Olson, Philip Norton, *The New Parliaments of Central and Eastern Europe* (London and Portland, Oregon: Frank Cass, 1996), pp. 101 – 104.

number of obstacles in executing their supervisory rights. As the record of the Defence and Security Committee demonstrated, the Committee rarely challenged the government on legislative grounds or rejected the executive proposals of regulations in the field of security and defence. As a rule, the cabinet's initiatives were approved without major interference. Moreover, despite serious delays in the preparation of the military legislative framework, the Czech parliamentary organs did little to speed up the process.[67] Lack of institutional support, organisational capabilities and financial resources were often indicated as a source of insufficient activity of the parliamentary committee.[68] However, equally the sheer lack of interest in military security was frequently a reason for neglect of defence problematique. The low levels of attendance at the Committee sessions were noted with distress by Czech analysts; for example Otto Pick complained that 'less than half of the members participated at the committee meeting that was held to decide whether the Czech Republic should acquire MIG-29s in exchange for Russian debt'.[69] The distribution of responsibilities among the committees left the Security and Defence Committee in charge of internal security and police issues as well as military and national defence. Therefore, on numerous occasions the activities of the Committee were

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[66] Svěrák, 'Democratic control', p. 212.

[67] Interview with Petr Nečas, chairman of the Security and Defense Committee, Prague, Czech Republic, September 1999.

[68] Interview with Petr Nečas and Captain Štefan Sarvaš, Senior Research Associate. Research Department, Czech MOD, Prague, September 1999.

[69] Otto Pick, 'Contribution', in *Behind Declarations. Civil – Military Relations in Central Europe* (papers presented at the workshop in Budapest, March 22- 23, 1996). Defence Studies, special edition (Budapest: Institute for Strategic and Defence Studies, 1996), p. 20.

focused rather on police matters, thinking it far more important to Czech citizens than military affairs.[70]

The Czech model of parliamentary control of the military features a very strong emphasis on control of finances and material resources. Right of budget approval and monitoring of its execution are the most effective controlling instruments in the hands of Czech MPs. The Czechs achieved greatest progress in the implementation of the budget planning systems based on NATO models, and in the introduction of budget transparency. However, the power of the purse does not rest primarily with the Defence and Security Committee, rather it is concentrated in the Budget Committee, from where it goes to the plenary sessions. Therefore, the stress on control through the budget somewhat degraded the Defence and Security Committee in its controlling role.[71]

The political tradition of democracy in the Czech lands ensured military respect for parliament and facilitated the establishment of channels of democratic control. However, apart from the lack of interest in defence matters, the Czech parliament shares the common problem of all post-communist parliamentary committees, that is the weakness of professional expert support and absence of permanent background facilities.[72] The situation is likely to continue in the Czech case, due to a low political priority for military affairs, absence of investment in educating teams of experts and a general lack of civilian experts.[73]

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[70] Interview with Štefan Sarvaš and Dr Petr Veit, Deputy Director, LegislativeDepartment, Czech MOD, Prague, September 1999.

[71] Interview with Petr Nečas, Prague, September 1999.

[72] Reschová, Syllová, 'The Legislature', p. 103.

[73] Interview with Petr Nečas, Prague, September 1999.

In Ukraine, the functional weakness of parliamentary control was far more conspicuous than in the case of Czech Republic and can be attributed both to the institutional weakness of the legislature and external political factors conditioning its performance and effectiveness. The Ukrainian legislature underwent a rapid transition from a largely powerless and provincial body under the communist system to the parliament of an independent state, but the speed and conditions of this transformation did not allow for the proper institutionalisation of this body, development of internal structure and assertion of important political roles. Instead, the Ukrainian parliament remained to a great degree a Soviet institution in transition, additionally hampered by the lack of pre-communist experience of parliamentary rule in Ukraine.[74]

The parliament in the post-Soviet Ukraine featured amorphous internal structures and generally low levels of party loyalty, discipline or even identification with its own background structures, although the situation somewhat improved after the 1994 elections. The parliamentary electoral procedure was the source of political weakness of the legislature because its regulations practically excluded the possibility of electing all 450 deputies in one round. In the 1994 parliamentary elections, for example, there were six consecutive rounds of voting and even then only 405 deputies out of the total of 450 were elected.[75] Such an unstructured and politically vulnerable body was no match for the Ukrainian president neither in

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[74] Stanley Bach, 'From Soviet to parliament in Ukraine: the Verhovna Rada During 1992 – 94', in David M.Olson, Philip Norton, *The New Parliaments of Central and Eastern Europe* (London: Frank Cass Ltd., 1996), pp. 214 - 223.

[75] Roman Solchanyk, 'Ukraine: The Politics of Reform', *Problems of Post-Communism*, Vol. 42, No. 6, Nov./Dec. 1995, p. 48.

scope of constitutional rights, political leverage, nor in social prestige.[76] The conflict over the constitution of 1996 further weakened the parliament in its relation to the president and his administration.

The articles of the Ukrainian constitution and laws provided the basic legal instruments for parliament to oversee defence policy and the military. The combination of the budgetary powers, law-making rights, and investigative prerogatives to set up a temporary investigative commission, formed a sufficient legal framework for at least rudimentary supervision. However, in reality the Ukrainian parliamentary Committee for Defence and Security of the State failed to build up appropriate mechanisms of control and the supervisory role is extremely limited, chiefly by the president.

There are three fundamental problems hampering the effectiveness of the Committee works. The first obstacle in developing mechanisms of democratic control is the uncooperative attitude of the post-Soviet military, their tendency to preserve maximum secrecy in defence planning and distrust of civilians intruding into military affairs. The 'expert problem', the second great obstacle encountered by the parliamentary committees, is partly the result of this secrecy. The MPs themselves lacked necessary knowledge in defence matters, and do not have a supporting team of experts due to financial constraints and sheer lack of non-military specialists. The expertise deficiency in Ukraine was in fact so acute that during work on the military reform, the parliamentarians became merely an addition to the MOD board of experts. Grytsenko observed in 1998 that

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[76] In the survey of trust in public institutions and political leaders carried out in May 1995, the Supreme Council scored only 2.09 in the scale from 5 (full trust) to 1 (no trust) and found itself in a very distinct place, behind, for example, the Security Services and police. Original source: *Post-*

the role of the current Parliamentary Committee has been limited to participation of its leaders in the MOD Board meetings and the NSDC meeting to discuss military issues...[The Committee members] did not urge the Parliament to intervene in the defence planning process. They did not seem to be ready to provide the necessary political and financial guidance needed to ensure military reform in general and the reform of the Armed Forces in particular.[77]

Finally, the inability of the members of the parliament to work out a viable and sustainable compromise regarding the security and defence policy was responsible for the dramatic weakness of parliamentary supervision. The works in the Committee featured the same political divisions as the entire political scene in Ukraine and so the Committee members often presented sharp differences of opinions to the military and the remaining political actors.[78] It further undermined the prestige of the parliamentary Committee for the Defence and Security of the State and left civil-military control entirely in the hands of the president.

Lithuania overcame an institutional legacy of the Soviet system much more effectively than Ukraine and managed to organise and establish the parliamentary Committee on National Security and Defence as a competent supervisory organ in a relatively short time. The difference between the two post-Soviet countries was not just in the tradition – or its lack - of modern government and its institutions, but in the post-communist legislative framework and its application. Lithuania adopted an

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Postup, No 23/ 1995, quoted in *Biuletyn Ukraiński,* No 7/8 (Warszawa: Ośrodek Studiów Wschodnich, July-August 1995), p. 19.

[77] Grytsenko, *Defence Reform*, p. 26.

approach of regulating everything possible by constitution and law, down to the smallest detail. And so the principles of democratic control of the military were enshrined in numerous documents, beginning with the Constitution, through the Law on Basic National Security, down to the detailed procedures of defence management.[79] The great importance attached by the Lithuanian authorities to the establishment of democratic civil-military relations in connection with NATO enlargement helped establish effective mechanisms of civilian control over the military, also in the parliament.

The formal prerogatives of the parliamentary committees were established in the Statutes of parliament and they comprised reviewing draft laws, including the budget law, co-ordination of the work of institutions preparing military legislature, consideration of the defence policy of the state, hearings of the candidates to foreign military missions, and finally, exercise of civilian parliamentary control over the armed forces and other militarised formations of the state. The Committee for National Defence and Security is authorised to conduct hearings and investigations, however, normally the parliament sets up a standing committee if the need to investigate a special issue arises.[80] Thus, the legal regulations provide a full range of instruments necessary for parliament to effectively oversee the military. In Lithuania, however, just as in other case countries, the law only created the basis for the effective parliamentary supervision and its real effectiveness depended on a number of other factors which set limits on this power.

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[78] See the statements of Stephan Khmara and Yaroslava Illyasievivha, members of the Committee for Defence and Security of the State, in in 'Sud i Osud. Ministr Oboroni', pp. 87 – 91 & 98 – 103.

[79] Interview with Dr Algidras Katkus, MP, Chairman of the Seimas Committee on National Security and Defence, Lithuanian Parliament, Vilnus, February 2000; *White Paper '99*, Ministry of National Defence of the Republic of Lithuania, Vilnus 1999, p. 25.

[80] Statutes of the Seimas, available at http://www.lrs.lt .

Although the National Security Committee managed to consolidate its structures and, by 1999, became the second largest committee in the parliament, nevertheless it encountered similar problems in performing its functions as in other post-communist countries. One problem was expert support which in Lithuania was particularly acute because of the rejection of former Soviet officers and defence specialists and lack of civilians educated in military matters. The Committee was forced to rely predominantly on the advice of the retired military and even those were sometimes in short supply.[81] Limited resources and insufficient support facilities certainly did not ease the performance of parliamentary supervision.

It appears however that in Lithuania the reluctance of the institutions involved with defence and security, not least the military, was the greatest obstacles for effective control. The Committee members commonly had difficulties in acquiring timely and accurate information, both from the military and MOD officials.[82] Insufficient information and lack of alternative sources limited the parliamentary reach into military and defence matters in Lithuania and was by and large responsible for the deficiencies in the parliamentary control of the military.[83]

Civilian versus Military Expertise. Security Community.

Civilian expertise and security community represent the two most sophisticated instruments of democratic management of the military and defence policy, and they are the hallmarks of mature, democratic civil-military relations,

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[81] Interview with Algidras Katkus, Vilnus, February 2000.

[82] Interview with Algidras Katkus, Vilnus, February 2000 and Bartas Trakymas, assistant to the Chairman of the Seimas Committee on National Security and Defence, Lithuanian Parliament, Vilnus, February 2000.

ensuring the sustainable interest of the public in the military. Without civilian experts in defence and a vibrant security community no mode of the military management can be really effective and democratic at that. Likewise, those two democratic instruments are by definition the least developed tools of democratic management of the military in the countries undergoing transition to democracy, particularly as they require an underpinning of civic values, civilianised ministries of defence, transparency in defence matters and information available outside the government system.

As I have argued many times already, the conditions of post-communism and the legacy of the Warsaw Pact were hardly conducive to the emergence of civilian expertise and the development of a robust security community anywhere in the Central Eastern Europe. In addition to that, the onus put on the re-education of the post-communist military by the Western assistance programmes, PfP in particular, offered only a few opportunities for the civilians to enhance their knowledge and experience within the framework of NATO-sponsored initiatives. As Réka Szemerkényi observed, 'Western initiatives…have all tended to involve a large majority of military personnel...From its inception, [PfP] had an excessive military-to-military focus.'[84] As a result, the civilianisation of the MODs and other policy-making bodies remained relatively shallow, and public debates played only a marginal role in the post-communist transformation of civil-military relations.

Civilianisation of the Ministry of National Defence was never a high priority in Poland, and although during the decade of post-communist reforms the numbers of civilians employed in the ministry went up considerably, the great majority of the

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[83] Purlys, 'The Roles'.

important advisory positions and many posts of directors in the ministerial departments remained staffed by military personnel.[85] The employment rules, ensuing from the 1999 enactment of the new regulations for the civil service, introduced stringent requirements for the civilians candidates and to some extent aggravated the situation of the civilian employees compared to their military counterparts, although at the same time it regulated the civilian employment and stabilised their legal situation.[86] There is also a great gap in the remuneration and social benefits offered to the civilian and military employees, to the disadvantage of the former. Most importantly, however, there is a continued reliance on the military advice and expertise that is noticeable throughout the government agencies and the lingering conviction that the advice offered by the professional soldiers is more valuable than that coming from the civilians. Under such circumstances, the emergence of the body of professional civilian experts in the defence field will be a lengthy processes, if only due to the lack of opportunities for them to gain experience.

The notorious Polish civil-military relations throughout most of the 1990s were not on the whole conducive to the emergence of the security community, and the introduction of the legal regulations on the protection of confidential and secret information compatible with NATO standards in fact worsened the situation by narrowing the number of people with access to relevant information and diminishing whatever degree of transparency had been previously achieved.[87] Nevertheless, a

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[84] Szemerkényi, 'Central European', p. 68.

[85] 'Stan osobowy żołniery zawodowych i pracowników wojska', materials of the Department of the Social Affairs, 1 June 1999, courtesy of minister Robert Lipka.

[86] These remarks stem largely from the personal experience and observations of the author who was a civil servant in the Polish MOD from 1999.

[87] Interview with Bronisław Komorowski, Warsaw, October 1999.

modicum of a security community was formed in Poland, though in a form of small, elite institutions, circulating information and people within a closed circle. The Polish Institute for International Affairs (PISM) based in Warsaw has an established reputation in the field and publishes the *International Affairs (Sprawy Międzynarodowe)* quarterly, both in Polish and English. Two other expert Polish institutes with high reputations are the Warsaw-based Centre for Eastern Studies (Ośrodek Badań Wschodnich) that specialises in the research of post-communist countries and issues a number of regular publications as well as weekly reviews of the events in the CIS and former communist countries, and the Institute for Strategic Studies in Cracow, which is focused on the studies of security and defence matters, especially in the context of NATO enlargement processes and PfP programmes. Additionally, the faculty of the International Relations Department of the Warsaw University is associated with the Institute of Political Studies of the Polish Academy of Sciences and runs the one year programme in Studies of National Security, with an offer directed mostly at civilians and the military working, or intending to work, for government bodies.

While these are promising signs of a budding security community, those non-government institutions share one characteristic that deprives them of real autonomy. All of them must be somehow well-connected to the executive system of defence and security policy, in order to gain money, contacts and information necessary for their functioning. Thus, the PISM was for years a part of the Ministry of Foreign Affairs and many of its employees were at the same time working for the MFA; the founder and the director of the Cracow Institute for Strategic Studies, Mr A.Klich, was closely linked with the government coalition and was nominated in 1999 to the post of deputy-minister of defence after his predecessor, minister

Mroziewicz, had to resign on the charges of co-operation with communist special services. The Centre for Eastern Studies was set up as a RAND-type institution, and it is partly a government agency with limited access to their resources and a classified character to some of their projects. Thus, the predominantly elite character of the non-governmental institutions dealing with defence issues reduces their capacity to generate public debate and does not contribute to increased transparency in them. Still, on a few occasions when the public debate on security issues did take place in Poland, the greatest of them was related to the Drawsko scandal of 1994 and the infamous celebrations of the Battle of Warsaw in 1995. The major role in generating the debate was then played not by experts or academics, but by journalists, particularly from *Gazeta Wyborcza* daily newspaper and *Polityka* weekly. The discussion on military matters takes place mostly on the pages of the military weekly *Polska Zbrojna*, but the freedom of opinions of its journalists is largely dependent on the actual approach of the minister of defence in office.[88]

The civilianisation of the defence ministry seemed to have a higher priority in the Czech Republic than in Poland. The large-scale civilianisation of the MOD was initiated in Czechoslovakia by the group of rehabilitated officers and NCOs who in December 1989 formed a military union called *Obrada*. The representatives of this organisation soon took the leading positions in the Ministry and carried out profound changes in personnel policy towards increased employment of civilian staff.[89] By 1997, one third of the MOD personnel was civilian and in the General

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[88] Conversation with Maria Wągrowska, Editor-in-Chief, *Polska Zbrojna*, Warsaw 1999.

[89] Szemerkényi, 'Central European', p. 13; interview with Colonel Adam Zając, Polish Military Attaché, Embassy of Poland, Prague, September 1999.

Staff, the level of civilianisation approached one fifth.[90] This, however, did not translate easily into a body of civilian experts. For the most part, the 'civilians' were the former military who either retired or were forced out of military positions. Moreover, the lack of systematic training, scarce educational opportunities and unclear career path put off many employees from long term affiliation with the MOD. The low prestige of the military in the Czech Republic was an additional factor delaying the progress in civilianisation of the military and hindering the development of civilian expertise in defence matters. Moreover, as my interlocutors often pointed out, the MOD did not attempt to create an educational system for civilian specialists in the defence sector, and the special university courses in international relations seldom tackled the defence problematique either.[91]

The Czech Defence sector achieved a relatively high level of transparency, particularly in financial matters in which the Czech public was mostly interested. Thanks to the input of the media,[92] the financial aspects of military functions provoked a measure of public debate on the utility of the armed forces and its price; it also contributed to transparency in the processes of preparing the military budget.[93] Yet, in most cases the sensational approach prevailed and the media settled for the 'control through scandal' routine and constant criticism, which resulted in the

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[90] Štefan Sarvaš, 'Democratic Control in the Czech Republic', conference paper, unpublished, Groningen, pp. 4 – 6 March 1999.

[91] Interview with Martin Vavra, Secretary to the Minister, MFA, Czech Republic, Prague, 1999.

[92] Petr Bakowski, 'The Military and the Media in the Czech Republic', in *Behind Declarations*, pp. 63 – 66.

[93] Marie Vlachova, Štefan Sarvaš, 'From the Totalitarian to the Post-Totalitarian Military', in Anton Bebler (ed.), *Civil - Military Relations in Post-Communist States. Central & Eastern Europe in Transition* (Westport, Connecticut and London: PRAEGER, 1997), p. 97.

military reaction of attempting to limit the amount of information available to the public.[94]

The extremely low interest of the public in defence issues practically precluded the development of the robust security policy. In fact, the situation worsened and not improved during the decade of post-communist reforms. Two expert institutions, the Institute for Strategic Studies and the Military Institute for Social Research, were dissolved due to a lack of funds. The side effect of this decision was the increased dependency of the civilian MOD on the military experts from the General Staff, as the closing down of the two prominent institutes rid the politicians particularly concerned with the MOD of important analytical tools.[95] The only remaining civilian institution of top level personnel and resources was the Institute of International Relations, based in Prague, where some of the experts from the closed institutes went. The issues related to the military and the civil-military relations were also widely studied by the Institute of Sociological Studies, particularly within the framework of the public policy projects. The works of many of the sociologists associated with the Institute showed a deep understanding of policy matters and civil-military relations in the democratic systems, something that never showed in the Polish policy papers.[96] However, the Czech institutes were likewise the small entities, often isolated from each other and their chances of developing into a broad security community remained rather negligible.

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[94] Lombardi, 'An Overview', p. 26; Vlachova, Sarvas, 'From Totalitarian', p. 97.

[95] Miroslav Purkrábek, 'Legitimita a podpora branné politiky jako realizátora veřejného zájmu', in Štefan Sarvaš a kolektiv výzkumného týmu, *Bezpečnost a armáda v moderní společnosti* (Security and the Military in the Modern Societies) (Praha: University Karlovy, Fakulta sociálních věd), No 6, 1997, in Czech, p. 95.

[96] See for example Štefan Sarvaš a kolektiv výzkumného týmu, *Bezpečnost a armáda v moderní společnosti* (Praha: University Karlovy, Fakulta sociálních věd), 6/1997, in Czech.

In Ukraine, the situation in defence management can be characterised very briefly: deficiency of democratic institutions, lack of civilian experts in defence policy and an absence of a democratic security community.

The mechanisms of effective democratic management remained most underdeveloped in Ukraine. There was a situation of deficient democracy, a near complete lack of civilian experts and a complete lack of a security community. For one thing, the shape of the entire political system inhibited the emergence of a strong network of non-governmental organisations, which constitute the backbone of the security communities and civil society as such. Information was turned into important power instruments and so the ruling elite deliberately restricted access to it as a means of guarding its own spheres of power and influence. Lack of alternative sources of information, combined with the closed and corrupt character of the political elites, eliminated the public scrutiny as a factor in decision-making process in Ukraine and rid the public of instruments of control over the authorities.

Although the reforming of the military from communist to national force functioning within a democratic system of civil-military relations did not progress far enough, particularly in terms of military culture, nevertheless the Ukrainian authorities did undertake a meaningful attempt to bring the structures of military management closer to the democratic standard. In 1995 the civilian politician, Valeriy Shmarov arrived at the MOD in Ukraine and undertook an attempt to reform the ministry structures and introduce more civilians. Yet, the corporate resistance of the military was so forceful that the reform failed altogether, and the Shmarov's successor was again a military man, gen. Kuzmuk. But even when Sharov was still in office, there were merely three civilians that held important posts within the

MOD.[97] Since than, the military has only strengthened their monopoly on defence expertise.[98]At the same time, the problems of deficient civilian cadres had a wider context than merely the Soviet military culture and mistrust of ignorant civilians: it reflects the degree of stateness problem in Ukraine visible in the lack of qualified cadres to run an independent state.[99]

If the security community in Poland and Ukraine were small and had an elite character, the same community in Ukraine was tiny and closed to outsiders and often was intricately tied to the president or the government. The most influential such institute, the National Institute for Strategic Studies, was based in Kiev and in fact represented a part of the presidential Council of National Security and Defence of Ukraine.[100] The institute published a series of surveys and an analytical brief, however their circulation was also restricted and due to the predominantly military character of the staff in the Institute, the publications had a rather conservative character and Soviet approach to defence policy.[101] Other institutes, such as the Kiev based Ukrainian Centre for International Security Studies, were less well connected to the ruling elite and so constantly suffered from under-funding. Thus, their ability

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[97] Interview with Alexander A.Parfionov, Department of Foreign Relations, Ukrainian centre for International Security Studies, Kiev, August 1995.

[98] Interview with Rafał Seniuch, Warsaw, December 2000.

[99] Marc Nordberg, 'State and Institution Building in Ukraine', in Taras Kuzio (ed.), *Contemporary Ukraine: Dynamics of Post-Soviet Transformation* (New York and London: M.E.Sharpe, 1998), p. 43.

[100] Interview with, Alexander Manachinsky, National Institute for Strategic Studies, Kiev, Ukraine, October 1997.

[101] For example V.P.Kovalskiy, *Tiehnichieskaya osnashchiennost' voorużiennyh sil Ukraini: ocienka i prognoz (Technical Equipment of the Armed Forces of Ukraine: Assessment and Forecast - in Russian),* Series of Informational - Analytical Surveys, No. 7 (Kiev: National Institute of Strategic Studies, 1995).

to generate public discussion and alternative policy perspectives through publications and other academic activities was restricted by lack of funds.[102]

The debate on the military in Ukraine in fact acquired a public dimension only in one aspect, related to the military and its traditions. The discussion on the traditions and heritage of the Ukrainian Insurgent Army was in fact part of the wider stateness debate in Ukraine. A relatively prominent role in this debate on tradition and policy-making was played by the historical institutes, and in particular by the History Department of the University of Lviv. The city was a capital of the nationally conscious Western Ukraine and the activities of the academics based at the University contributed significantly to the generation of the debate on Ukrainian identity as well as a reassessment of some of the commonly held views on it.

In Lithuania, the identity debate was far less heated than in Ukraine and therefore the progress towards democratic management could be achieved more easily. On the level of official policy formulations, the documents underlined an attachment to democratic principles of civil-military relations: as the 'co-operation and mutual understanding between the Armed Forces and the rest of society has two main benefits: improved democracy and effective defence'.[103] Yet, the reform of the defence system in Lithuania put the arrangements in place that clearly favoured the military over civilian experts. It was the Commander of the Armed Forces that became the chief advisor to the president and the minister of defence, and there is a very close systemic connection between the military staff and the presidential

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[102] Nevertheless there were scattered attempts to generate public debate through publications. For example, S.Makeyev, O.Manachynsky, E.Lysytsyn, H.Perepelytsya, O.Bodruk, V.Krotykov, V.Haleyev, S.Vlasov, V.Halynovsky, 'Does Ukraine Have a Military Elite?', *Political Thought - Ukrainian Political Science Journal* No 1 (5), 1995.

administration that inhibits the development of serious civilian expertise on military and defence matters. Lithuania, similarly to Ukraine, had problems related to the lack of cadres to administer the state, and its determination to drive out the representatives of the former Soviet nomenclature from their positions only aggravated the problem. However, the Lithuanian authorities employed and quickly promoted very young people, both military and non-military, to managing positions in the MOD in order to avoid the employment of large numbers of Soviet experts. This policy resulted in a substantial degree of civilianisation of the Lithuanian MOD, yet at the same time the MOD featured a relatively low professional level of the cadres and frequent changes in management positions.[104]

But, the major problem of civil-military relations in Lithuania is the lack of public interest and support for the military. As Zaccor noted, the lack of public support may 'entrap an army in the vicious circle' where the army enjoys little popularity and so its budgets are slashed and best conscript exempt from service.[105] In the second half of 1990s the popularity of the military somewhat increased, nevertheless it remained low.[106] For society at large the matters of national security simply remained insignificant. Even the unlawful nomination of a retired American colonel of Lithuanian origin and double citizenship to the post of the Commander of the Armed Forces did not a provoke public debate or outcry.[107]

Transparency is another problems. In the opinion of one of the Lithuanian civilian experts, the public debate could only be feasible if the government brought

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[103] *White Paper'99*, p. 52.

[104] Interview with Tadeusz Olszański, Warsaw, August 1998.

[105] Zaccor, 'Problems in', p. 63.

[106] Interview with Bartas Trakymas, Vilnus, February 2000.

[107] Biuletyn Ośrodka Studiów Wschodnich, 1 July 1999, No 26, pp. 5 – 6.

it closer to the citizens and provided it with greater clarity and transparency.[108] Public relations are officially managed by the Civilian Operations division in the Defence Staff and by the Information Centre in the MOD, the duties of which are to provide the public with information on defence and security policy, promote patriotic education and pursue activities bringing the military closer to the public.

Paramilitary activities rather than academic institutions appear to be a defining characteristic of the Lithuanian society - military relations and a reservoir for the security community. This is yet a pre-war tradition, additionally strengthened by the strategic doctrine of total and unconditional defence. In 1999 the MOD established the State Resistance Training Centre, the purpose of which is to educate the civilians in civilian defence programmes and train for individual and organised resistance. Additionally, there are two active paramilitary youth associations, Šauliai and SKAK (Voluntary State Defence Service). Their statutory aims are the promotion of patriotic education and military training for civil defence.

Among non-governmental institutions, the most active is the Joint Baltic American National Committee. It is based in the USA and pursues a number of activities aimed at the promotion of Lithuanian accession to NATO and education of the society in democratic civil – military relations, history and tradition. Finally, the debate on military issues is generated by the military journal KARYS, published regularly by the Lithuanian MOD.

Summary.

The establishment of the effective democratic management of the military and defence policy in post-communist states required that all the democratic

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[108] Ronaldas Kacinskas, 'Lithuanian Public View on National Security in a Changing Environment', conference paper, unpublished, 1998, p. 7.

institutions and procedures created in the course of reforms fell into the right place. It also needed time for the internalisation of democratic norms and the fostering of the security community. Development of mechanisms for democratic management was the final stage of the democratic transformation of the post-communist relations and it was predictable that it would not be complete in any of the case countries. The countries, however, made a degree of transitions towards establishing proper mechanisms of management. But, while Poland and the Czech Republic achieved a measured progress toward creating mechanisms of democratic management, and so did Lithuanian though perhaps with less success, Ukraine failed to institutionalise any system of military and defence management, let alone a democratic one.

The review of the situation in defence management in each of the countries exposed the weaknesses of other segments of the polity. The problems with delineating the responsibilities between the MODs and the General Staffs was a reflection of the more general problems of difficulties or inability to reach agreement on the distribution of power in the post-communist countries. The overpowerment of some of the advisory bodies stemmed from the incomplete legal system of regulations and the feeble rule of law. Finally the deficiency of parliamentary overseeing of the military was a function of internal weakness of the parliaments as an institution in the polities under transition and the generally insufficient transparency of defence and military policy.

The need for the civilianisation of defence policy and education of civilian experts was verbally recognised everywhere in Central Eastern Europe, but the

policy was introduced reluctantly and did not advance enough to create a pool of civilian experts in defence anywhere in the case countries. Numbers of civilians in the MODs increases steadily, however beyond employment they are generally offered little in terms of educational opportunities compared to their civilian counterparts. The persistent distrust between the civilian and military employees combined with inferior conditions for employment of the civilian specialists contributed to the weak co-operation within the MOD institutions. As a result, none of the post-communist ministries became prepared for working within the structure of mixed, civilian-military teams.

Finally, the weakness of autonomous civil society and relative detachment of defence reforms from other fields of transformation were behind the low public interest in civil-military transition and prevented the emergence of security communities. However, the greatest obstacle for the development of the democratic security community was lack of access to necessary information. Despite some progress in introducing transparency to policy planning, access to information remains the prerogative of the official authorities and therefore the budding security community in the post-communist countries remains dependent on the power-holders for necessary knowledge.

CHAPTER 7

CONCLUSION

By adding stateness to the security and democracy framework, I have argued in this study that the stateness matrix can be used to explain differing civil-military outcomes in post-communist transitions to democracy. In sustaining this argument, this study of civil-military relations has achieved two major goals. First, by comparing the individual experience of the four post-communist countries studied on the basis of different types of civil-military relationship, it has identified the main differences in the processes of democratic transformation of civil-military relations. Secondly, it has isolated the key factor to explain, rather than merely compare, the diverging course of reforms and to account for the different models of civil-military relations that emerged there as a result of post-communist transformations. I have argued that this essential explanatory variable is 'stateness', which can be broadly understood as the quality of statehood and which determines the degree of democratisation and stability that can be achieved in the civil-military relationship in any individual case. The thesis stated that the outcome of civil-military transformations depends on the interaction of four imperatives in post-communist polities: statehood, military restructuring, the application of democratic rules and the establishment of mechanisms for effective democratic management, with the first being the most important.

The argument advanced in the course of the study of post-communist civil-military relations was based on three assumptions outlined in the Chapter 1. First, it reiterated the necessity to define the state before one can make a successful move to

a consolidated democracy. Secondly, it underlined the inherent relationship between the transformation of civil-military relations in the post-communist countries and the democratisation of the overall political systems of those states. Thirdly, it was professed that on launching the transitions from communism to democracy, the four case countries appeared to be starting from similar positions, and operated under the same imperatives for successful reforms. This similarity stemmed from the specific character of the communist legacy, featuring a number of common traits shared by the countries of Central Eastern Europe, and from the identical goal of making the transition to democracy, declared by the post-communist incumbents.

In addition, the years of totalitarian regime totally eradicated any pre-communist heritage that there might have been. Therefore, in the institutional sense there was no legacy of 'survivors' from the earlier historical periods that could differentiate the context of transitional opening in the case countries and help ease through the democratic transition. Drawing on those assumptions, and particularly keeping in mind the similarity of the legacy and goals of the post-communist reforms, it could have been justifiably expected that the civil-military transformations in Central Eastern Europe would take convergent trajectories.

The results of the research disproved this assertion. The comparative study of the reforms undertaken in Poland, the Czech Republic, Ukraine and Lithuania demonstrated that the civil-military transformations carried out between 1989 and 1999 brought widely varying results. The transformations did not differ merely in pace, but in the direction of fundamental reforms as well as in the degree of completeness of the transitions. Over the decade of democratic reforms, the four post-communist countries came to establish political systems the nature of which

ranged from an advanced consolidation of democracy to authoritarianism, and models of civil-military relations that were correspondingly assorted.

This study has applied the comparative and explanatory framework offered by the stateness matrix to produce an integrated cross-country comparison of civil-military transitions. The initial assumption that post-communist reforms in each of the case countries were governed by the interaction of the concurrent imperatives identified has been corroborated. The study has demonstrated that while in each of the case countries the same reforms in military restructuring, rules and management were at least attempted in the course of civil-military transformations, their mode of implementation and final results were highly divergent. These differences are clearly visible in the process of military restructuring. The Czech Republic managed to carry out harsh de-communisation and radical de-politicisation of the military and to alter the structure of its national armed forces, bringing it closer to NATO standards without provoking major political upheavals, although undeniably with some negative effects to the cohesiveness and combat readiness of the forces. Lithuania and especially Poland experienced a number of serious setbacks in the course of building and rebuilding their national military. In the end, however, the political systems of the two countries became sufficiently consolidated to overcome the corporate resistance of the army and to continue with democratic restructuring. Ukraine provides an example of failed restructuring due to the resistance of the professional military which could not be overcome by the civilian politicians. Consequently, the Ukrainian General Staff gained sufficient position and enough political leverage to dictate the reform agenda and to bring restructuring to a halt.

Each of the four case countries were under pressure to create a new framework of rules and procedures, from the making of constitutions, through the

appropriate laws down to the detailed regulations, procedures, statutes etc. for the working of military management institutions. The establishment of new rules was necessary to avoid praetorianisation of post-communist politics and to govern military and defence affairs in the changed political and security environment. However, within the decade of reforms, the four countries established four different political systems, from the parliamentary-cabinet system in the Czech Republic, through the hybrid presidential – parliamentary systems in Poland and Lithuania, to the extremely strong presidential system in Ukraine. The process of the redistribution of powers in the post-communist polities had a definitive impact on the outcome of the legal reforms in the military and defence sphere, and it determined the ultimate shape of the post-communist civil-military relations in the countries concerned. The problem of the division of executive prerogatives in the overseeing of the military was the major subject of contention in the course of legal reforms. In the Czech Republic, a consensus regarding the fundamental traits of the political system was achieved relatively easily, although not without some political rifts along the way. Lithuania experienced a serious political conflict regarding the positions of the president in the management and overseeing of the military, which delayed the establishment of a legal framework for the military and defence. In Poland and Ukraine, the agreement on the distribution of powers proved to be so difficult to achieve that both countries were forced to adopt interim constitutions before their political elites were able to work out a viable compromise. The prolonged uncertainty regarding the fundamental law had a detrimental effect on the democratic reforms of civil-military relations in the two countries and delayed or even precluded the institutionalisation of the policy-making process that was a necessary precondition for achieving democratic consolidation.

The insufficient institutionalisation of post-communist polities, weak mechanisms of democratic accountability and low levels of transparency in defence and military policy hindered the effectiveness of military management and inhibited completion of civil-military transformations even in the most advanced cases of Poland and the Czech Republic. The mechanisms of effective management represent the most sophisticated elements of democratic civil-military relations and as such, by definition, were the least developed ones in the post-communist countries. But, precisely because the effectiveness of democratic management was dependent on the degree of achieved democratisation of civil-military relations, after a decade of reforms the post-communist countries featured great differences in their instruments of democratic management. While Poland and the Czech Republic achieved a sufficient degree of efficiency in their management of military and defence policy to become NATO members, Lithuania still had to develop and improve its democratic instruments of defence planning and military control, whereas Ukraine largely preserved the Soviet model of management, with such defining features as the strong prevalence of military expertise in strategic planning and defence matters and the tendency on the part of civilian authorities to let the professional soldiers run the affairs of the army autonomously.

Stateness emerges as the most significant factor. While stateness is not an independent causal factor in the course of democratic civil-military transformation, it plays a crucial role in determining the ultimate outcome of reforms. Depending on the individual country's circumstances, the condition of stateness may be either conducive to the process of democratic consolidation, or detrimental to it. In this respect, Poland and Ukraine represented two borderline examples, one the established nation-state and the other with only certain of the prerequisites to be a

nation-state. However, the research on post-communist polities and civil-military transformations proved that the relevance of the stateness concept was not limited to the cases of the newly established or re-established states. The imperatives of the processes of democratic transition and consolidation forced every single post-communist state to redefine the concepts of the nation, the state, citizenship, institutions etc. even if the actual letter of the law regulating them had not changed. Thus, even though Poland was in a fortunate situation of being an established nation-state with a near complete congruity of the polity and the demos, nevertheless it experienced tremendous difficulties in establishing democratic institutions of the state. Moreover, the political and military traditions of pre-war statehood, as well as traditionally high levels of contention in Polish politics played more than a small part in it. In the case of the Czech Republic, the separation from Slovakia meant that it was necessary to redefine the identity of the state and to determine foreign policy and security interests anew, even though the break up did not provoke political upheavals. Despite the long-standing democratic traditions of the Czech Republic, the process of improving Czech stateness turned out to be long and difficult. Striving to consolidate the nation-state and establish it on the international arena, the Czech authorities went as far as to tolerate administrative discrimination of the undesirable minority of Roma people. They carried out the de-communisation processes in a manner highly disruptive to the cohesiveness and combat readiness of the armed forces, and committed a number of mistakes in the foreign and defence policy of the Czech Republic. These two examples, of Poland and the Czech Republic, demonstrate that the relevance of the stateness matrix is not limited to the post-Soviet states.

Stateness problems are, however, infinitely more acute in the case of post-Soviet states. The major difference lies in the tradition of statehood and the experience of modern government of the state that made up the 'usable past' for the non-Soviet post-communist countries, whereas such tradition was scarce or non-existent in the case of the countries that were formed in the aftermath of the break-up of the Soviet Union. The newly established states were confronted with the problems of a legal and institutional vacuum, territorial and minority problems, deficient legitimacy, amorphous national identity, and an uncertain position on the international arena. The overcoming of the stateness crisis became a task of the highest priority. The authorities in the post-Soviet entities had to define the formula for their states before they were able to move on to democratic reforms. Consequently, stateness was responsible for changing the agenda for transitional reforms: whereas initially it was believed that democratic reforms could be carried out simultaneously with the strengthening of the post-Soviet states, it soon became clear that the logic of the nation-building, state-building and democratic consolidation processes were not always convergent. The corollary of the stateness crisis in the post-Soviet states was the necessary inclusion of the nation-building and state-building tasks on the agenda for reforms, often to the detriment of democratic changes in the political systems, and consequently to the detriment of civil-military transformations. In this process, the states drew on the available traditions, symbols and institutions from the past and the degree of their availability was the factor conditioning the nation- and state-building processes in the respective countries. The armed forces, being a standard characteristic of sovereignty, were one of the institutions most commonly used in the course of state-building in the post-Soviet

countries. That, too, inhibited the swift creation of a national military and democratic civilian control over it.

In the case of Lithuania, the presence of a strong national identity and a relatively long tradition of statehood alleviated stateness problems. All the same, on emerging from the Soviet amalgam, the authorities of the newly independent Lithuania faced the need to establish the country as a viable nation-state both in term of constructing an internal legal and political system and securing the state's position in the international arena. In doing so, the post-communist incumbents chose to define the identity of the new state through a thorough eradication of Soviet heritage and by drawing on the legacy of pre-war Lithuanian statehood. The pre-war statehood gave the post-Soviet Lithuania the identity, the legitimacy, and the sense of direction in the process of state-building. At the same time, however, it introduced certain features to the Lithuania polity that were taken from pre-war authoritarian politics and were not compatible with democratic consolidation. Among them there was a tendency towards a narrow idea of nationalism, leading to an exclusion of minorities from political life, a hostile attitude to neighbouring countries, particularly Poland and Russia, a refusal to revise the historical past and the wartime relation of the Lithuanians to the Jewish minority, and finally, support for the political and paramilitary movements that questioned the principles of democracy, but whose traditions extended to the pre-war period. These features, however, characterised the early phase of the post-communist state-building in Lithuania. Despite the few problems that had not been resolved, such as territorial issues or position of the Russian community, Lithuania successfully consolidated the state and therefore could embark on and make substantial progress on the way to consolidated democracy. The Lithuania national armed forces that had been created

from scratch also moved from fulfilling mainly a symbolic role in the process of state-building to being treated as a small but real instrument of state defence. In addition, although in the process of the creation of Lithuanian armed forces the formal side – declarations, laws, regulations, white papers – often prevailed over substance, nevertheless by 1999 Lithuania was well on the way to building democratic civil-military relations.

In contrast to Lithuania, Ukraine failed to consolidate the state despite some progress made towards this end, and so in the conditions of a persistent stateness problem the establishment of a democratic political system proved impossible. Although the nation and citizenship formulae adopted in the post-communist constitution and laws were sufficiently inclusive and did not breach the principles of democracy, the identity discourse remained essentially unsettled in Ukraine, making the nation-building and state-building tasks continually relevant to the political reforms. The choosing of the army as a vehicle for the nation- and state-building in Ukraine did little to improve the overall political situation, but had a negative impact on the restructuring processes in the armed forces. The national military tradition was in itself uncertain in Ukraine and applying it mechanically to the Soviet force, which the so-called 'national' army had been through the first years of the 1990s, was doomed to fail. As a result, the efforts to make the army a symbol of the sovereign state contributed to the politicisation of ethnic issues inside the armed forces and to a degree of engagement by the military in politics, while at the same time it led to a stalling of the restructuring processes and preservation of Soviet traits in the Ukrainian army. Under such circumstances, the emergence of anything resembling democratic civil-military relations is not possible in the foreseeable future.

This study has demonstrated the utility of the stateness matrix for comparison and explanation of post-communist civil-military relations. While the cases selected have enabled this theoretical model to be tested, the model itself has allowed comparison of democratic reforms of civil-military relations in selected post-communist countries of Central Eastern Europe. Of the four elements within the stateness matrix, it is stateness itself that is the decisive one. Stateness can explain the differing outcomes of the post-communist reforms in the individual states, and depending on circumstances, it can have either a beneficial or a harmful impact on the overall democratisation process. The overcoming of stateness problems is not in itself a guarantee of the successful democratisation of civil-military relations, yet it is a necessary pre-condition for such democratisation to occur.

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